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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

[Farm Credit Administration Order No. 343]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORIZATION TO APPROVE ACTS OF RECEIVERS OF JOINT STOCK LAND BANKS; AUTHORIZATION TO APPROVE JOINT STOCK LAND BANKS' HOLDING TITLE TO REAL ESTATE FOR A LONGER PERIOD THAN FIVE YEARS

Section 3.7 of Title 6, Code of Federal Regulations, as amended (6 F.R. 2347), is further amended to read as follows:

§ 3.7 *Authorization to approve acts of receivers of joint stock land banks.* Authorization is given, severally and not jointly, to the Land Bank Commissioner, any deputy land bank commissioner, M. E. Menk, Assistant Deputy Land Bank Commissioner, and L. A. Wallace, Chief, Fiscal and Joint Stock Land Bank Section, to approve, on such terms as he shall direct, the acts pursuant to section 29 of the Federal Farm Loan Act (39 Stat. 381, 12 U.S.C. 961–967), as amended, of any receiver of any joint stock land bank appointed under the provisions of said section 29. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940)

Section 3.10 of Title 6, Code of Federal Regulations, as amended (6 F.R. 2347), is further amended to read as follows:

§ 3.10 *Authorization to approve joint stock land banks' holding title to real estate for a longer period than five years.* Authorization is given, severally and not jointly, to any deputy land bank commissioner, any assistant deputy land bank commissioner, and the Chief, Fiscal and Joint Stock Land Bank Section, to approve, on such terms as he shall direct, joint stock land banks' holding title and possession of real estate for a period longer than 5 years pursuant to paragraph Fourth (b) of section 13 of the Federal Farm Loan Act (39 Stat. 372, 12 U.S.C. 781 "Fourth" (b)), as amended. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940)

A. G. BLACK,
Governor.

[F. R. Doc. 42-4222; Filed, May 11, 1942; 11:37 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q.—Q. 72]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE QUARANTINE

Introductory Note

To bring the white-fringed beetle quarantine and regulations in line with current information this revision is made to extend the regulated areas in Alabama, Florida, Louisiana, and Mississippi to include several small areas in which infestations of the beetles have been found since the original quarantine became effective; to release an area of approximately 84 square miles in the vicinity of Monroeville, Ala., where repeated inspections fail to show that the beetles are now present; to add to the articles that are restricted throughout the year, lily bulbs, grass sod, peanut hay, and nursery stock including greenhouse-grown annuals and perennials; to lift the restrictions on sweetpotatoes, peas, and beans; and to make other modifications. A regulation (§ 301.72-8) has been included to require the cleaning of railway cars, trucks, and other vehicles which have been used for transporting restricted articles within the regulated area, before such vehicles may be moved interstate to points outside.

The newly added sections are for the most part adjacent to the old infested areas in the vicinities of Florala, Mobile, and Monroeville, Ala., Pensacola, Fla.,

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FEDERAL REGISTER

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NOTICES

New Orleans, La., Gulfport and Laurel, Miss., and include also Hattiesburg, Miss., and several communities in the vicinity thereof. Brought within the regulated areas, in part, for the first time, are the counties of Dallas and Escambia, Ala., the parishes of Iberia and Saint Tammany, La., and the Mississippi counties of Covington, Forrest, and Lamar.

Under the authority contained in the Insect Pest Act of March 3, 1905, the interstate movement of living white-fringed beetles in any stage of development is prohibited except when so moved under certification for scientific purposes as authorized in paragraph (b) of § 301.72–9.

To conform with current nomenclature of the white-fringed beetles, the designation of the genus is changed from *Naupactus* to *Pantomorus* and the restrictions apply only to species of the subgenus *Graphognathus*.

Arrangements for inspection may be made by addressing the Bureau of Entomology and Plant Quarantine, P. O. Box 989, Gulfport, Miss., or other field offices listed in the appendix.

Determination of the Secretary of Agriculture

The Secretary of Agriculture, having given the public hearing required by law

and having determined that it was necessary to quarantine the States of Alabama, Florida, Louisiana, and Mississippi, to prevent the spread of dangerous infestations of insect pests, commonly referred to as white-fringed beetles, not theretofore widely prevalent within and throughout the United States, on December 14, 1938, promulgated Notice of Quarantine 301.72, part 301, chapter III, title 7, Code of Federal Regulations, and the regulations supplemental thereto §§ 301.72–1 to 301.72–9 inclusive, Part 301, chapter III, title 7, Code of Federal Regulations [B. E. P. Q. — Q. 72, effective on and after January 15, 1939]. At the time the aforesaid hearing was held, the insect pests known as white-fringed beetles were classified as species of the genus *Naupactus* and were so referred to at the hearing when the importance, status, and habits of these insects were fully covered. This group of insects has since been reclassified as species of the subgenus *Graphognathus* of the genus *Pantomorus*. It is therefore necessary to revise the quarantine to adopt current nomenclature for such insect pests, as well as to extend the regulated areas to cover more recently discovered infestations, and to make other modifications.

Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161) and the Insect Pest Act of March 3, 1905 (7 U.S.C. 141, 143), the subpart entitled "White-fringed Beetle" of part 301, chapter III, title 7, Code of Federal Regulations [B. E. P. Q. — Q. 72] is hereby revised effective May 9, 1942, to read as follows:

SUBPART—WHITE-FRINGED BEETLE QUARANTINE

AUTHORITY: §§ 301.72 to 301.72–9 (a), inclusive, (except § 301.72–2a) issued under sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 1940 ed. 161. § 301.72–2a issued under sec. 1, 33 Stat. 1269; 7 U.S.C., 1940 ed. 141. § 301.72–9 (b) issued under sec. 3, 33 Stat. 1270; 7 U.S.C., 1940 ed. 143.

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture quarantines the States of Alabama, Florida, Louisiana, and Mississippi to prevent the spread of dangerous infestations of introduced species of the genus *Pantomorus*, subgenus *Graphognathus*, commonly known as white-fringed beetles, and under authority contained in the aforesaid Plant Quarantine Act and Insect Pest Act of March 3, 1905 (7 U.S.C. 141, 143), the Secretary of Agriculture prescribes regulations. Hereafter the following articles (as specifically named in the regulations supplemental hereto, in modifications thereof, or in administrative instructions as provided in the regulations supplemental hereto), which are capable of carrying the aforesaid insect infestations, viz., (1) nursery stock and other stipulated plants or plant products; (2) soil independent of, or in connection with, nursery stock, plants, or other products; or (3) other articles as stipulated in § 301.72–3; or (4) live white-fringed beetles in any stage of development, shall not be transported by any person, firm, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed in the regulations supplemental hereto: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, designated by the Secretary of Agriculture as regulated areas, in the quarantined States, as, in his judgment, shall be adequate to prevent the spread of the said pest or pests. Any such limitation shall be condtioned, however, upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles and enforcing such other control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of said insect infestation: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

Meaning of Terms

§ 301.72–1 *Definitions*—(a) *The pests.* Species of the genus *Pantomorus*, subgenus *Graphognathus*, commonly known white-fringed beetles, in any stage of development.

(b) *Regulated area.* Any area in a quarantined State which is now, or which may hereafter be, designated as regulated by the Secretary of Agriculture in accordance with the provisions of § 301.72, as revised.

(c) *Restricted articles.* Products or articles of any character whatsoever, the interstate movement of which is restricted by the provisions of the white-fringed beetle quarantine, and the regulations supplemental thereto.

(d) *Nursery stock.* Forest, field, and greenhouse-grown annual or perennial plants, for planting purposes.

(e) *Inspector.* Duly authorized Federal plant-quarantine inspector.

(f) *Certificate.* An approved document, issued by an inspector, authorizing the movement of restricted articles from the regulated areas.

(g) *Limited permit.* An approved document, issued by an inspector, to allow controlled movement of noncertified articles to designated and authorized processing plants or for other restricted operations.

(h) *Administrative instructions.* Documents issued by the Chief of the Bureau of Entomology and Plant Quarantine relating to the enforcement of the quarantine.

(i) *Infested* or *infestation.* Infested by white-fringed beetles, in any stage of development. (See paragraph (a) of this section.)

(j) *Infested area.* That portion of the regulated area in which infestation exists, or in the vicinity of which infestation is known to exist under such conditions as to expose the area to infestation by natural spread of beetles, as determined by an authorized inspector.

Areas Under Regulation

§ 301.72–2 *Regulated areas.* The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Secretary of Agriculture as regulated areas:

Alabama—In Conecuh, Monroe, and Wilcox Counties: The W½ T. 5 N. W½ T. 8 N., all of Tps. 9 and 10 N., R. 9 E. S½ and secs. 8, 9, 10, 15, 16, and 17, T. 11 N., R. 9 E. All of Tps. 5, 6, 7, 8, 9, and S½ T. 10 N., R. 8 E. Secs. 25, 26, 35, and 36, T. 7 N., and secs. 1 and 2, T. 6 N., R. 7 E.; *in Covington County:* Secs. 30 and 31, T. 2 N., R. 18 E.; secs. 25, 26, 35 and 36, T. 2 N., R. 17 E.; T. 1 N., Rs. 17 and 18 E. and SE¼ T. 1 N., R. 16 E., and all area south thereof to the Alabama-Florida State line; also all of the town of Opp; *in Dallas County:* That area included within a boundary beginning on the Southern R. R. where it crosses Bougechitto Creek; thence southwest along the Southern R. R. to Caine Creek; thence southeast along Caine Creek to its intersection with Bougechitto Creek; thence northward along Bougechitto Creek to the starting point; *in Escambia County:* Secs. 32, 33, and 34, T. 1 N., R. 8 E., including all of the town of Flomaton; *in Geneva County:* Secs. 31, 32, and 33, T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; *in Mobile County:* That area included within a boundary beginning at a point where the eastern boundary of the city limits of Mobile, if extended northward, would intersect the northern boundary of S½ T. 3 S.; thence west to Chickasaw Creek; thence northwestward along Chickasaw Creek to Eight-Mile Creek; thence westerly along Eight-Mile Creek to the western boundary of R. 1 W.; thence south to Eslava Creek; thence easterly along Eslava Creek to the city limits of Mobile; thence following the city limits east and north to the starting point, including all of Blakeley Island and the city of Mobile; also that area included within a boundary beginning at a point where old Highway 90 crosses Fowl River; thence southwestward along old Highway 90 to the junction of old Highway 90 and the Alabama-Mississippi State line; thence south along the Alabama-Mississippi State line to the southern boundary of N½ T. 7 S.; thence east to the SE corner of sec. 9, T. 7 S., R. 3 W.; thence north to the NE corner of sec. 4, T. 7 S., R. 3 W.; thence east to the point where the south boundary of T. 6 S. intersects Fowl River; thence northwestward along Fowl River to the starting point.

Florida—In Escambia County: All that part lying south of the northern boundary of T. 1 N., including all of the city of Pensacola, and that part of the county north of the

southern boundary of T. 5 N. and east of the western boundary of R. 31 W.; *in Okaloosa County:* T. 5 N., R. 22 W., and secs. 1, 2, and 3, T. 5 N., R. 23 W., and all lands north of both areas to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, 24, T. 3 N., R. 24 W.; *in Walton County:* T. 5 N., Rs. 20 and 21 W., and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north of both areas to the Florida-Alabama State line; also secs. 1 to 24, inclusive, T. 4 N., R. 19 W.

Louisiana. All of Orleans Parish, including the city of New Orleans, and all of Saint Bernard Parish. *In East Baton Rouge Parish:* All of T. 7 S., Rs. 1 and 2 E. and 1 W., including all of the city of Baton Rouge; *in Iberia Parish:* All of secs. 24, 37, 38, 39, 53, 55, 56, T. 13 S., R. 5 E., and secs. 46, 55, 56, 57, 58, 59, 60, T. 13 S., R. 6 E.; *in Jefferson Parish:* That part lying north of the township line between Tps. 14 and 15 S.; *in Plaquemines Parish:* That part lying north of the township line between Tps. 15 and 16 S.; *in Saint Tammany Parish:* All of secs. 38, 39, and 40, T. 7 S., R. 11 E., and secs. 40 and 41, T. 8 S., R. 11 E.

Mississippi—In Covington County: All of secs. 28, 29, 32, and 33, T. 6 N., R. 14 W.; *in Forrest County:* All that part of T. 4 N. Rs. 12 and 13 W. lying west of Leaf River; all that part of the S½ T. 5 N., R. 13 W., lying west of Leaf River; all of secs. 7, 18, 19, and those parts of secs. 6, 8, 17, and 20, lying south and west of old Highway 49, T. 5 N., R. 13 W.; the east ⅔ and secs. 5 and 8 of T. 5 N., R. 14 W.; those parts of secs. 2, 3, 4, and 5 lying south of Beaverdam Creek, and all of secs. 8, 9, 10, 11, 14, 15, 16, and 17, T. 1 S., R. 12 W.; secs. 9, 10, 15, 16, 21, 22, 27, 28, 33, and 34, T. 2 N., R. 12 W.; secs. 2, 3, 4, 9, and 10, and those parts of secs. 11, 14, 15, and 16, lying north of Black Creek, T. 1 N., R. 12 W.; *in Harrison and Stone Counties:* That area included within a boundary beginning at the NE corner sec. 5, T. 4 S., R. 11 W.; thence west to the NW corner sec. 2, T. 4 S., R. 12 W.; thence south to the NE corner sec. 15, T. 6 S., R. 12 W.; thence west to the NW corner sec. 16, T. 6 S., R. 12 W.; thence south to intersection with Wolf River; thence following a general southwesterly direction along Wolf River to Saint Louis Bay; thence following a general southerly direction along the east shore of Saint Louis Bay to the Mississippi Sound; thence eastward along the Mississippi Sound to a point where the east line of sec. 31, T. 7 S., R. 10 W., would intersect with the Mississippi Sound if extended without change in direction of said Sound; thence north to Bayou Bernard; thence following a general northwesterly direction along Bayou Bernard to east line of sec. 22, T. 7 S., R. 11 W., thence north to intersection with Biloxi River; thence northwestward along Biloxi River to the east line of sec. 5, T. 6 S., R. 11 W.; thence north to starting point, including all properties extended onto or over the waters of Mississippi Sound; also all of the town of Wiggins; *in Hinds County:* E½ T. 6 N., R. 3 W., and W⅓ T. 6 N., R. 2 W.; *in Jackson County:* That area included within a boundary beginning at a point where the east line of sec. 19 T. 7 S., R. 5 W., intersects the Escatawpa River; thence west along said river to the Pascagoula River; thence south along the Pascagoula River to the township line between Tps. 7 and 8 S.; thence east to the SE corner sec. 31, T. 7 S., R. 5 W.; thence north to the starting point; *in Jones County:* Secs. 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 9 N., R. 11 W.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, T. 8 N., R. 11 W.; secs. 13, 14, 24, 25, 35, and 36, T. 9 N., R. 12 W.; and those portions of secs. 23 and 26, T. 9 N., R. 12 W., lying east of Tallahoma Creek; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 12 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.; *in Lamar County:* All of the town of Purvis; all of secs. 35, 36, T. 1 N., R. 15 W., sec. 31, T. 1 N., R. 14 W., and secs. 1 and 2, T. 1 S, R. 15 W.; *in Pearl River County:* All of secs. 3, 9, 10, 11, 14, 15, 16, T. 1 S., R. 15 W.; all of T. 5 S., R. 16 W., and E½ T. 5 S., R. 17 W.

Articles Prohibited Movement

§ 301.72–2a *Beetles prohibited shipment.* The interstate shipping of living species of white-fringed beetles in any stage of development, whether moved independent of or in connection with any other article, is prohibited, except as provided in paragraph (b) of § 301.72–9.

Articles Restricted Movement

§ 301.72–3 *Restricted articles*— (a) *Movement regulated throughout the year.* Unless exempted by administrative instructions, the interstate movement of the following articles from any regulated area is regulated throughout the year:

(1) Soil, earth, sand, clay, peat, or muck, whether moved independent of, or in connection with or attached to nursery stock, plants, products, articles, or things.
(2) Potatoes.
(3) Nursery stock.
(4) Grass sod.
(5) Lily bulbs.
(6) Peanut hay.
(7) Compost and manure.

(b) *Movement regulated part of the year.* Except as provided in § 301.72–4 hereof, and unless exempted by administrative instructions, the interstate movement from any regulated area of the following products is regulated from June 1 to January 31, inclusive, of any 12-month period:

(1) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.
(2) Hay, other than peanut hay; roughage of all kinds, straw, leaves, and leafmold.
(3) Peanuts in shells, and peanut shells.
(4) Seed cotton, cottonseed, baled cotton lint, and linters.
(5) Used implements, machinery, containers, scrap metal, and junk.
(6) Brick, tile, stone, cinders, concrete slabs, and building blocks.

Conditions of Interstate Movement

§ 301.72–4 *Conditions governing interstate movement of restricted articles*— (a) *Certification required.* Restricted articles shall not be moved interstate from a regulated area to or through any point outside thereof unless accompanied by a valid inspection certificate issued by an inspector: *Provided,* That certification requirements as they relate to part or all of any regulated area may be waived, during part or all of the year, by the Chief of the Bureau of Entomology and Plant Quarantine, on his finding and giving notice thereof, in administrative instructions, that the State concerned has promulgated and enforced adequate sanitary measures on and about the premises on which restricted articles originate or are retained, or that adequate volunteer sanitary measures have been applied, or that other control or natural conditions exist which have eliminated the risk of contamination by the pests in any stage of development.

(b) *Use of certificate on shipments.* Every container of restricted articles moved interstate from any regulated area shall have securely attached to the outside thereof a certificate or permit issued in compliance with these regulations, except that in the case of shipments in bulk, by common carrier, a master permit attached to the shipping order, manifest, or other shipping papers, will be sufficient. In the case of shipments in bulk by road vehicle other than common carrier, a master permit shall accompany the vehicle. Master permits shall accompany shipments to destination and be surrendered to consignees on delivery.

(c) *Movement within contiguous areas unrestricted.* No certificates are required for interstate movement of restricted articles when such movement is wholly within contiguous regulated areas.

(d) *Articles originating outside the regulated areas.* No certificates are required for the interstate movement of restricted articles originating outside of the regulated areas and moving through or from a regulated area, when the point of origin is clearly indicated, when their identity has been maintained, and when the articles are protected, while in the regulated area, in a manner satisfactory to the inspector.

Conditions of Certification

§ 301.72–5 *Conditions governing the issuance of certificates and permits*—(a) *Approved methods.* Certificates authorizing the interstate movement of restricted articles from the regulated areas may be issued upon determination by the inspector that the articles are (1) apparently free from infestation; or (2) have been treated, fumigated, sterilized, or processed under approved methods; or (3) were grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, no infestation would be transmitted thereby: *Provided,* That certificates authorizing the interstate movement of soil, earth, sand, clay, peat, muck, compost, or manure originating in an infested area may be issued only when such materials have been treated or handled under methods or conditions approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) *Limited permits for manufacturing or processing purposes.* Limited permits may be issued for the movement of noncertified restricted articles to such manufacturing or processing plants, mills, gins, or establishments as may be authorized and designated by the Chief of the Bureau of Entomology and Plant Quarantine, for manufacture, processing, treatment, or other disposition. As a condition of such authorization and designation, persons or firms so designated shall agree in writing to maintain such sanitary safeguards against the establishment and spread of infestation and to comply with such restrictions as to their handling or subsequent move-

ment of restricted products as may be required by the inspector.

(c) *Dealer-carrier permit.* As a condition of issuance of certificates or permits for the interstate movement of restricted articles, persons or firms engaged in purchasing, assembling, exchanging, processing, or carrying such restricted articles originating or stored in regulated areas, may be required to execute a signed agreement stipulating that the permittee will carry out any and all conditions, treatments, precautions, and sanitary measures which may be deemed necessary.

Procedure for Applicants

§ 301.72–6 *Assembly of restricted articles for inspection.* Persons intending to move restricted articles interstate from regulated areas shall make application for certification as far as possible in advance of the probable date of shipment. Applications must show the nature and quantity of articles to be moved, together with their exact location, and if practicable, the contemplated date of shipment. Applicants for inspection may be required to assemble or indicate the articles to be shipped so that they may be readily examined by the inspector.

The United States Department of Agriculture will not be responsible for any cost incident to inspection or treatment other than the services of the inspector.

Certificates and Permits May Be Canceled

§ 301.72–7 *Cancellation of certificates or permits.* Certificates or permits issued under these regulations may be withdrawn or canceled and further certification refused whenever, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of infestation.

Cleaning of Vehicles

§ 301.72–8 *Thorough cleaning required of freight cars, trucks, and other vehicles before moving interstate.* Freight cars, trucks, and other vehicles which have been used in transporting within the regulated areas any restricted articles, shall not thereafter be moved interstate from the regulated areas until they have been thoroughly cleaned by the carrier or owner at a point within the regulated area.

Shipments for Experimental, Etc., Purposes

§ 301.72–9 *Shipments for experimental or scientific purposes*—(a) *Articles for experimental or scientific purposes.* Articles subject to restrictions may be moved interstate for experimental or scientific purposes, on such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

(b) *Beetles for experimental or scientific purposes.* Live white-fringed beetles, in any stage of development, may be moved interstate for scientific purposes only under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of white-fringed beetles so moved shall bear an identifying tag issued by the Bureau of Entomology and Plant Quarantine.

Done at the city of Washington this 8th day of May 1942.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

APPENDIX

Penalties

The Plant Quarantine Act of August 20, 1912, as amended, (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

State and Federal Inspection

Certain of the quarantined States have promulgated quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained at the office of the Bureau of Entomology and Plant Quarantine, Room 6, Gates-Cook Building (Tel. 1591) P. O. Box 989, Gulfport, Miss., or through a White-fringed Beetle Inspector at one of the following subsidiary offices:

Alabama: Florala: Hughes Building (Tel. 64), P. O. Box 187. Mobile: 111 Federal Building (Tel. Belmont 3781, Ext. 214), P. O. Box 670. Monroeville: City Hall (Tel. 90), P. O. Box 169.

Florida: Pensacola: 18 Federal Building (Tel. 5652), P. O. Box 343.

Louisiana: New Orleans: 4425 Bienville Ave. (Tel. Audubon 3860), P. O. Box 7086—Sta. G.

Mississippi: Hattiesburg: 110 Evans Street (Tel. 2686), P. O. Box 933. Laurel: Civic Center, P. O. Box 546.

General Offices of States Cooperating

Alabama: Chief, Division of Plant Industry, Montgomery.

Florida: Assistant Plant Commissioner, State Plant Board, Gainesville.

Louisiana: State Entomologist, Baton Rouge.

Mississippi: Entomologist, State Plant Board, State College.

[F. R. Doc. 42-4206; Filed, May 9, 1942; 12:01 p. m.]

[B. E. P. Q. 485, Ninth Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE REGULATIONS MODIFIED

§ 301.72a *Administrative instructions; removal of certification requirements for specified articles.* (a) Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.72, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 72, on account of the white-fringed beetle], all certification requirements for the interstate movement from the regulated areas are hereby waived effective May 11, 1942, through July 31, 1942, for the following articles and materials enumerated in § 301.72–3:

(1) *Soil, sand, and gravel.* As indicated below. (i) Soil, when taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet.

(ii) Sand and gravel when washed, processed, or otherwise treated to the satisfaction of the inspector.

(2) *Articles other than soil.* When free from soil and when sanitation practices as prescribed by the inspector are maintained to his satisfaction, the following articles are exempt from certification during the period specified above:

(i) Nursery stock, including all annual and perennial plants.

(ii) Hay, including peanut hay, roughage of all kinds, straw, leaves, and leafmold.

(iii) Seed cotton, baled cotton lint and linters, and cottonseed when free from gin trash.

(iv) Lily bulbs, except when freshly harvested and uncured.

(v) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(vi) Peanuts in shells and peanut shells.

(vii) Used implements, machinery, and containers.

(viii) Brick, tile, stone, cinders, concrete slabs, and building blocks.

(ix) Potatoes, except locally grown potatoes.

It has been determined that the methods under which such articles and materials are produced and handled, the maintenance of sanitation practices, or

the application of control measures and natural conditions, have so decreased the intensity of infestation in the regulated areas as to eliminate risk of spread of the white-fringed beetle, thereby justifying the removal of certification requirements as set forth above.

(b) Except as specified above, the following articles and materials shall remain under the restrictions of § 301.72–3 throughout the year:

(1) All soil, earth, sand, clay, peat, muck, compost, and manure, whether moved independent of, or in connection with, or attached to nursery stock, plants, products, articles, or things.

(2) Grass sod.

(3) Lily bulbs when freshly harvested and uncured.

(4) Scrap metal and junk.

(5) Gin trash.

(6) Locally grown potatoes are under regulation during May, June, and July.

This revision supersedes Circular B.E.P.Q. 485, eighth revision, which became effective May 1, 1941.

(7 C.F.R., § 301.72; sec. 8, 39 Stat. 1165, 44 Stat 250; 7 U.S.C. 161)

Done at Washington, this 1st day of May 1942.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 42–4205; Filed, May 9, 1942; 12 m.]

[B. E. P. Q. 523, Amending P. Q. C. A. 278, Revised]

PART 319—FOREIGN PLANT QUARANTINE NOTICES

ADDITIONAL QUANTITY LIMITS FOR PLANTS IMPORTED FOR PROPAGATION PURPOSES

Chapter III, Title 7, Code of Federal Regulations, § 319.37–14a [P.Q.C.A. 278, Revised, July 14, 1931] is hereby amended effective May 11, 1942, by adding the following items to the list of representative genera for which quantity limits have been determined; and effective July 1, 1942, by increasing by 25 percent the quantity limitations specified in § 319.37–14a both as to the original list and as to this supplemental list:

§ 319.37–14a *Administrative instructions; limitations on special-permit plant material entered for propagation purposes under § 319.37–14.* * * *

Genus		*Yearly limits*
Abutilon	plants	100
Acanthaceae	do	[1]250
Acidanthera	corms	1,000
Adiantum	plants	250
Adlumia	roots	250
Aloe vera (medicinal)	plants	5,000
Aloe (ornamental)	do	250
Amaryllidaceae	per genus	1,000
Amherstia	plants	100
Ananas	do	250
Andira	do	100
Annona	do	250
Anthemis	divisions	250
Antholyza	bulbs	1,000
Aponogeton	plants	500
Aralia	plants	500
Aralia	cuttings	2,500
Araceae	plants	[1]250
Aristea	bulbs	1,000
Arundo (reed)	plants	250
Avocado	do	2,000
Babiana	bulbs	1,000
Bessera	do	10,000
Bombax	plants	500
Bomarea	do	250
Bougainvillea	do	250
Brodiaea	bulbs	10,000
Bromeliaceae	plants & suc	250
Bromeliads	plants	[1]250
Brosimum (breadnut)	do	100
Brownea	do	100
Brunfelsia	do	100
Bryophyllum	do	250
Bulbocodium	corms	10,000
Bursera	plants	250
Cactus	do	5,000
Calathea	tubers	1,000
Callicarpa	plants	100
Calluna	do	250
Calochortus	corms	10,000
Calystegia	plants	250
Calycanthus	do	100
Campanilla	do	250
Campanula	do	1,000
Caragana	do	100
Cardwellia	tubers	250
Cassia	plants	100
Cestrum	do	200
Clethra	do	100
Clivia	do	500
Codiaeum	do	100
Colocasia	tubers	1,000
Convolvulus	plants	250
Cordyline	do	250
Coriaria	do	250
Cornus	do	250
Crambe	bulbs	5,000
Crescentia	plants	250
Crinum	bulbs	1,000
Crocosma	do	1,000
Croton	plants	500
Cryptocoryne	do	500
Curcuma	do	250
Cycadaceae	do	[1]250
Cycas	do	250
Cyperus	do	250
Daboecia	do	500
Danae	do	1,000
Datura	do	250
Davidia	do	100
Dianthus	do	100
Dicentra	divisions	250
Dieffenbachia	plants	1,000
Dierama	bulbs	1,000
Diospyros	scions	1,000
Disanthus	plants	100
Echinacea	do	250
Epigaea	do	100
Erythrina	do	100
Erythronium	bulbs	10,000
Eucharis	do	500
Eugenia	plants	100
Eurycles	bulbs	1,000
Fagus	plants	100
Farquharia	do	250
Fern	do	250
Ficus	do	250
Galtonia	bulbs	10,000
Gardenia	plants	1,000
Geissorhiza	bulbs	1,000
Genipa	plants	100
Gravisia	do	250
Guiacum	do	100
Gypsophila	do	250
Haemanthus	bulbs	250
Haworthia	plants	250
Heliconia	do	250
Heliopsis	do	250
Hermodactylus	roots	1,000
Hippeastrum	bulbs	5,000
Homeria	bulbs	1,000
Inga	plants	100
Ismene	bulbs	10,000
Ixiolirion	do	5,000
Ixora	plants	1,000
Jacaranda	do	100
Juglans	do	100
Kerria	do	100
Koelreuteria	do	100
Lantana	do	1,000
Leucocrinum	bulbs	500
Lomatia	plants	1,000
Lonchocarpus	stems	10,000
Lupinus	plants	500
Malanthemum	do	250
Mammea	do	100
Mangifera	do	100
Manihot	do	250
Marica	do	250
Meconopsis	do	1,000
Michelia	do	100
Monarde	do	250
Monstera	do	250
Moraea	bulbs	1,000
Montrichardia	plants	250
Myosotis	do	250
Myricaria	do	100
Nandina	do	250
Neanthe	do	250
Neillia	do	250
Nelumbium	roots	500
Nepenthes	plants	500
Nerine	bulbs	5,000
Nerium	plants	100
Nomocharis	do	500
Omphalodes	do	250
Ormosia	do	100
Orthrosanthus	rhizomes	1,000
Parthenium	plants	5,000
Petrea	do	1,000
Phaedranassa	bulbs	500
Phacomeria	plants	250
Philodendron	do	500
Pinus	do	100
Plumieria	do	200
Polygonatum	do	250
Poterium	do	250
Prunus	do	200
Pulmonaria	do	250
Pyrus	do	250
Ramondia	do	1,000
Rhodohypoxis	do	250
Rudbeckia	do	250
Sandersonia	bulbs	1,000
Schizolobium	plants	100
Selaginella	do	100
Senecio	do	250
Shortia	do	500
Silene	do	250
Stapelieae	do	250
Stenomesson	bulbs	5,000
Sterculia	plants	100
Strelitzia	do	250
Succulents	do	[1]250
Tabebuia	do	100
Thymus	do	250
Tillandsia	do	250
Tree fern	do	250
Tropaeolum	do	250
Vaccinium	do	100
Veltheimia	bulbs	1,000
Vitis	plants	100
Warszewiczia	do	100
Zephyranthes	bulbs	1,000

[1] Per genus.

(7 CFR § 319.37–14; sec. 7, 37 Stat. 317; 7 U.S.C. 160)

Done at Washington, D. C., this 6th day of May 1942.

[SEAL] AVERY S. HOYT, *Acting Chief.*

[F. R. Doc. 42–4220; Filed, May 11, 1942; 11:09 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1941 CROP OF FLORIDA SUGARCANE FOR SUGAR

Whereas, section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas, the Secretary of Agriculture, on June 20, 1941, held a public hearing in Clewiston, Florida, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1941 crop of Florida sugarcane for sugar:

Now, therefore, I, Grover B. Hill, Assistant Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

§ 802.22h *Fair and reasonable prices for the 1941 crop of Florida sugarcane for sugar.* Fair and reasonable prices for the 1941 crop of Florida sugarcane shall be not less than the prices set forth in the existing Standard Florida Sugarcane Purchase Contract with cooperative participation supplement. (Sec. 301, 50 Stat. 910; 7 U.S.C. 1131)

Done at Washington, D. C., this 9th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-4204; Filed, May 9, 1942; 12:00 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

PART 502—VESTING ORDERS

VESTING OF PENDING PATENT APPLICATIONS ON BEHALF OF I. G. FARBENINDUSTRIE, ET AL

§ 502.6 *Vesting Order No. 6.* Under the authority of sec. 5 (b) of the Trading with the Enemy Act of October 6, 1917 (50 U.S.C.A. App. sec. 5 (b), as amended by sec. 301 of the First War Powers Act, 1941 (Pub. Law 354, 77th Cong., 1st sess.), and pursuant to Executive Order 9095, March 11, 1942, the undersigned, finding upon investigation that the property described in Exhibit A attached hereto and made a part hereof is the property of nationals of a foreign country designated in Executive Order No. 8389, as amended, as defined therein, and that the action herein taken is in the public interest, hereby directs that there shall be vested forthwith in the Alien Property Custodian all property described in the aforesaid Exhibit A, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return or compensation should be made.

Any person not a national of a foreign country designated in Executive Order No. 8389, as amended, claiming any interest in any or all of such property and/or any person asserting any claim as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form No. APC-1 within one year from the date of this order, or within such further time as may be allowed by the Alien Property Custodian. (E.O. 9095, 7 F.R. 1971)

This order shall be published in the FEDERAL REGISTER.

Executed at Washington, D. C. on April 28, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Applications for patents (titles not stated) pending in the United States Patent Office under the following serial numbers:

132,180	240,959	253,777
183,454	241,187	257,120
186,300	245,912	260,333
212,688	246,063	261,350
214,954	246,492	267,231
217,659	248,180	268,638
218,017	250,713	269,395
218,758	251,374	270,158
226,587	251,998	270,161
226,748	252,591	271,520
227,854	253,348	273,144
229,324	253,776	273,414
275,399	341,238	377,667
280,570	341,307	377,693
281,320	341,901	377,711
281,354	342,685	377,842
281,693	343,269	377,846
282,542	344,782	378,411
283,043	345,372	378,566
283,459	346,872	378,567
287,249	347,306	380,605
287,408	348,683	380,632
287,756	351,153	381,674
287,757	351,158	381,856
287,758	351,917	381,939
287,760	352,113	382,038
288,140	352,114	382,447
288,142	352,364	382,694
290,494	352,420	385,135
291,930	352,520	385,136
291,931	352,550	385,697
292,041	353,384	386,770
292,241	353,386	386,850
296,627	354,117	386,860
296,808	354,118	386,871
299,521	355,403	387,060
301,175	355,455	387,070
304,154	355,808	387,610
308,170	356,176	388,984
310,552	356,565	389,340
310,759	357,118	389,417
311,225	358,424	389,428
314,563	358,478	391,512
315,037	358,666	394,840
315,038	358,667	394,870
324,364	358,695	394,880
324,401	359,744	395,080
326,967	360,260	395,422
326,969	360,291	395,732
327,634	360,776	395,745
327,635	361,011	395,760
327,636	361,582	395,894
327,820	362,608	397,105
327,846	364,826	397,138
328,374	365,649	397,372
328,695	365,650	397,740
329,903	365,652	397,741
329,909	365,666	399,750
330,276	366,260	400,714
330,467	367,262	400,715
330,476	367,265	403,232
333,369	367,298	403,576
333,762	368,336	404,150
333,775	369,127	404,233
333,776	369,752	404,237
334,574	370,863	404,238
334,582	371,593	404,503
335,138	372,566	404,510
336,361	372,599	404,514
337,660	372,991	404,522
337,664	373,012	404,618
338,375	373,139	404,666
338,380	373,140	405,992
339,491	373,185	408,346
339,572	373,583	415,424
340,838	377,513	715,003
341,183	377,664	

2. Applications (about to be but not yet filed at the United States Patent Office) the oaths attached to which were executed on the dates hereinafter listed under the heading "Dates", by the per-

sons hereinafter listed under the heading "Inventors", for patents brief descriptions of which are hereinafter listed under the heading "Titles", and assigned to the assignees, if any, and as of the dates, hereinafter listed under the heading "Assignments", respectively, as follows:

Dates	Inventors	Titles	Assignments
6- 6-41	Orthner, Luce and Wagner.	Process of preparing condensation products.	I. G. Farbenindustrie, A. G., 8-19-41.
6- 6-41	Orthner and Jacobs	Process of preparing condensation products.	I. G. Farbenindustrie, A. G., 8-19-41.
6-10-41	Schmidt, et al	Photographic printing material	None.
6-25-41	Patat, et al	Process of producing phenols from aromatic amines.	I. G. Farbenindustrie, A. G., 6-25-41.
7-16-41	Paul Schlack	Production of linear polymers	I. G. Farbenindustrie, A. G., 7-16-41.
8- 1-41	Fritzky, et al	Process of preparing phenols	I. G. Farbenindustrie, A. G., 8-1-41.
8-11-41	Kurt Thinius	Production of polymer layers	Deutsche Celluloid Fabrik, 8-11-41.
8-11-41	Kurt Thinius	Plasticizer for polyurethanes	Deutsche Celluloid Fabrik, 8-11-41.
8-12-41	Bruno Wendt	Washing agent	I. G. Farbenindustrie, A. G., 8-12-41.
8-29-41	Lautenschlaeger	Anti-diabetic product isolated from the pancreas and a process of preparing it.	Winthrop Chemical Company, 8-29-41.
9- 5-41	Ernst Kuss, et al	Manufacture of zinc	Duisburger Kupferhuette and I. G. Farbenindustrie, A. G., 9-5-41.
10-24-41	Hagedorn	Process for the production of hydrophilic polymerization products of the superpolyamide type.	None.
11-10-41	Bonrath, et al	Seed dressing agents	I. G. Farbenindustrie, A. G., 11-19-41.
11-24-41	Reppe, et al	Method of preparing diolefines	None.

[F. R. Doc. 42-4163; Filed, May 8, 1942; 2:12 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 9, Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES

DESIGNATION OF BROWNSVILLE MUNICIPAL AIRPORT AS A CONTROL AIRPORT

MAY 8, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended and § 60.21 of the Civil Air Regulations, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.3[1] so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City	*Name of airport*
Brownsville, Tex	Brownsville Airport.

This amendment shall become effective May 15, 1942.

C. I. STANTON,
Acting Administrator.

[F. R. Doc. 42-4181; Filed, May 9, 1942; 10:36 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4480]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF GREEN SUPPLY COMPANY, ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of fishing tackle, silverware, rifles, garments, blankets, radios, or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with push or pull cards, pull tabs, punch boards or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, pull tabs, punch boards or lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Green Supply Company, etc., Docket 4480, May 5, 1942]

In the Matter of Perce P. Green and Howard Rand, Individuals Trading as Green Supply Company, National Merchandising Company, and National Supply Company.

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 5th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, the testimony and other evidence taken before a duly appointed trial examiner of the Commission designated by it to serve in this proceeding, the report of the trial examiner and briefs filed in support of the complaint and in opposition thereto, and the Commission having made its findings as to the facts and its conclusion that the respondents, Perce P. Green and Howard Rand, individuals trading as Green Supply Company, National Merchandising Company and National Supply Company, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Perce P. Green and Howard Rand, trading as Green Supply Company, National Merchandising Company and National Supply Company, or trading under any other name or designation, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of fishing tackle, silverware, rifles, garments, blankets, radios, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others, push or pull cards, pull tabs, punch boards or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, pull tabs, punch boards or lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4198; Filed, May 9, 1942; 11:33 a. m.]

[Docket No. 4598]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CODRIN CORPORATION

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Magnesia S. Pellegrino" medicinal preparation, or other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of its said preparation, which advertisements represent, directly or through inference, (1) that said preparation is a disinfectant; (2) that the use of said preparation will normalize the digestive system, or assure perfect digestion or perfect health; (3) that said preparation will not irritate the intestines of the user, or that its use will

[1] 7 F.R. 2864, 2865.

regulate the intestines, or that it is a sure or final cure for constipation, or that said preparation is a cure or remedy or a competent or effective treatment for, or has any therapeutic value in the treatment of constipation in excess of affording temporary relief therefrom; (4) that said preparation is a cure or remedy or a competent or effective treatment for stomach acidity, or has any therapeutic value in the treatment of such condition in excess of temporarily reducing stomach acidity; and (5) that said preparation has therapeutic value in the treatment of any disease or condition in excess of temporarily relieving constipation and temporarily reducing stomach acidity; and which advertisements fail to reveal that said preparation should not be used in cases of abdominal pains, stomach-ache, cramps, nausea, vomiting, or other symptoms of appendicitis, and further, that its frequent or continued use may result in dependence upon laxatives; prohibited, subject to provision, however, as respects said last prohibition, that if the directions for use, wherever they appear on the label, in the labeling, or both, contain a warning of the potential dangers in the use of said preparation as above set forth, such advertisements need contain only the statement, "Caution: Use Only as Directed." (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Codrin Corporation, Docket 4598, May 5, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between counsel for the respondent and counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Codrin Corporation, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its medicinal preparation Magnesia S. Pellegrino, or any other product containing the same or similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which

(a) Represents, directly or through inference, that said preparation is a disinfectant;

(b) Represents, directly or through inference, that the use of said preparation will normalize the digestive system, or assure perfect digestion or perfect health;

(c) Represents, directly or through inference, that said preparation will not irritate the intestines of the user, or that its use will regulate the intestines, or that it is a sure or final cure for constipation, or that said preparation is a cure or remedy or a competent or effective treatment for, or has any therapeutic value in the treatment of constipation in excess of affording temporary relief therefrom;

(d) Represents, directly or through inference, that said preparation is a cure or remedy or a competent or effective treatment for stomach acidity, or has any therapeutic value in the treatment of such condition in excess of temporarily reducing stomach acidity;

(e) Represents, directly or through inference, that said preparation has therapeutic value in the treatment of any disease or condition in excess of temporarily relieving constipation and temporarily reducing stomach acidity;

(f) Fails to reveal that said preparation should not be used in cases of abdominal pains, stomach-ache, cramps, nausea, vomiting, or other symptoms of appendicitis, and, further, that its frequent or continued use may result in dependence upon laxatives: *Provided, however,* That if the directions for use, wherever they appear on the label, in the labeling, or both, contain a warning of the potential dangers in the use of said preparation as above set forth, such advertisement need contain only the statement, "Caution: Use Only As Directed."

(2) Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof or which fails to reveal, as required in paragraph (1) hereof, the dangerous consequences which may result from the use of said preparation or which does not in lieu of the statement of such consequences contain the affirmative cautionary statement as provided in said paragraph.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-4197; Filed, May 9, 1942; 11:33 a. m.]

[Docket No. 4554]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF GENERAL SURVEYS, INC., ET AL

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods.* In connection with offer, etc., in commerce, of books, loose-leaf material, or other merchandise, and among other things, as in order set forth, representing, directly or by implication, that any books, loose-leaf material, or other merchandise the cost of which is included in the purchase price of articles in combination with which any such books, loose-leaf material, or other merchandise are offered, are "free", either by the use of the term stated or by any other word or words of similar import or meaning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, General Surveys, Inc., et al., Docket 4554, May 7, 1942]

§ 3.69 (c) *Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased:* § 3.72 (g 10) *Offering deceptive inducements to purchase—Limited offers or supply:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers, savings and discounts.* In connection with offer, etc., in commerce, of books, loose-leaf material, or other merchandise, and among other things, as in order set forth, representing, directly or by implication, that the price at which any books, loose-leaf material, or other merchandise are customarily or regularly offered for sale or sold, separately or in combination, in the ordinary course of business, is lower than the customary or regular price, or is a special or reduced price to selected customers, or is a special or reduced price available only to particular groups or classes of persons, or is available only for a limited time; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, General Surveys, Inc., et al., Docket 4554, May 7, 1942]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n 10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of books, loose-leaf material, or other merchandise, and among other things, as in order set forth, representing, directly or by implication, that any books, loose-leaf material, or other merchandise or services for which payment is later demanded or collected, will be furnished to purchasers of other articles or services without additional charge; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, General Surveys, Inc., et al., Docket 4554, May 7, 1942]

In the Matter of General Surveys, Inc., a Corporation, John H. Thies, Individually and as President of General Surveys, Inc., and G. J. Doucette, Individually and as a Director of General Surveys, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents General Surveys, Inc., and G. J. Doucette, in which answer said respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that respondents General Surveys, Inc., and G. J. Doucette, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent General Surveys, Inc., a corporation, its officers, representatives, agents, and employees, and respondent G. J. Doucette, individually and as a director of General Surveys, Inc., his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of books, loose-leaf material, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That any books, loose-leaf material, or other merchandise the cost of which is included in the purchase price of articles in combination with which any such books, loose-leaf material, or other merchandise are offered, are "free", either by the use of the term stated or by any other word or words of similar import or meaning;

(2) That the price at which any books, loose-leaf material, or other merchandise are customarily or regularly offered for sale or sold, separately or in combination, in the ordinary course of business, is lower than the customary or regular price, or is a special or reduced price to selected customers, or is a special or reduced price available only to particular groups or classes of persons, or is available only for a limited time;

(3) That any books, loose-leaf material, or other merchandise or services for which payment is later demanded or collected, will be furnished to purchasers of other articles or services without additional charge.

It is further ordered, That respondents General Surveys, Inc., and G. J. Doucette shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That in view of the showing made as to the probable permanent incapacity of respondent John H. Thies this proceeding be, and the same hereby is, closed as to said respondent without prejudice to the right of the Commission, should future facts so warrant, to reopen the same as to said respondent and resume trial in accordance with its regular procedure.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-4221; Filed, May 11, 1942; 11:15 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Commission

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS, FLAXSEED, AND SOYBEANS

TIME OF FILING REPORTS ON FORM 204

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1-17a), the following amendment to Title 17, Chapter I, Part 2, § 2.19, Code of Federal Regulations (17 C.F.R. 2.19, as amended by 7 F. R. 2721), is hereby promulgated:

Section 2.19 is amended to read as follows:

§ 2.19 *Time of filing reports on Form 204.* Unless otherwise authorized in writing by the Administration upon good cause shown, reports required on Form 204 shall be filed with the Commodity Exchange Branch of the Administration not later than the next business day following the day covered by the report: *Provided,* That reports may be transmitted by mail in accoradnce with instructions furnished by the Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C., Sup., 6i).

Done at Washington, D. C., this 9th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL, *Acting Secretary of Agriculture.*

[F. R. Doc. 42-4218; Filed, May 11, 1942; 11:09 a. m.]

PART 3—SPECIAL PROVISIONS APPLICABLE TO COTTON

TIME OF FILING REPORTS ON FORM 304

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1-17a), the following amendment to Title 17, Chapter I, Part 2, § 3.19, Code of Federal Regulations (17 C.F.R. 3.19, as amended by 7 F.R. 2721), is hereby promulgated:

Section 3.19 is amended to read as follows:

§ 3.19 *Time of filing reports on Form 304.* Unless otherwise authorized in writing by the Administration upon good cause shown, reports required on Form 304 shall be filed with the Commodity Exchange Branch of the Administration not later than the next business day following the day covered by the report: *Provided,* That reports may be transmitted by mail in accordance with instructions furnished by the Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. Sup., 6i).

Done at Washington, D. C., this 9th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL, *Acting Secretary of Agriculture.*

[F. R. Doc. 42-4219; Filed, May 11, 1942; 11:09 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—Neutrality

PART 156—TRAVEL

TRAVEL OF SEAMEN ON VESSELS OF CERTAIN NATIONS

Pursuant to the authority contained in the President's Proclamation 2374 of November 4, 1939 (54 Stat. 2671; 50 U.S.C. app. p. 4438), issued pursuant to section 1 of the joint resolution of Congress of November 4, 1939 (54 Stat. 4; 22 U.S.C. 441), the Secretary of State hereby amends title 22, Part 156,[1] of the regulations relating to the travel of citizens of the United States on vessels of belligerent states, issued by him on November 6, 1939 (4 F.R. 4509) and subsequently amended, by the addition of the following § 156.1a.

§ 156.1a *Seamen.* A seaman who is a national of the United States and who is travelling in the pursuit of his vocation may travel on a vessel of any state named in any proclamation issued by the President under authority of section 1 (a) of the joint resolution of Congress of November 4, 1939 (54 Stat. 4; 22 U.S.C. 441; for proclamations, see 50 U.S.C. app. pp. 4438 *et seq.* and Sup. p. 265), on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude, or on or over other waters adjacent to Europe, upon compliance with the provisions of the rules and regulations relating to the control of American nationals entering and leaving territory under the jurisdiction of the United States, which were issued by the Secretary of State on November 25, 1941 and subsequently amended (22 CFR 58.1-58.11, 6 F.R. 6069, 6349; 7 F.R. 2214, 2590).

[SEAL] CORDELL HULL, *Secretary of State.*

APRIL 30, 1942.

[F. R. Doc. 42-4190; Filed, May 9, 1942; 11:04 a. m.]

[1] The number of this part was changed from 550 to 156.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1230]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

RELIEF GRANTED, ETC.

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

On January 27, 1942, 7 F.R. 996, an Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above-entitled matter, in which, *inter alia,* the Price Classifications are not uniformly shown for the coals of the Gallia Mine, Mine Index No. 2943, of Gallia Sand Company, in Size Groups 1 to 6, inclusive, for all shipments except truck; and

It appearing that such Price Classifications should be uniformly shown;

Now, therefore, it is ordered, That the said Order of January 27, 1942, in the above-entitled matter be, and it hereby is, amended to show Price Classifications "K" in Size Group Nos. 1 and 2 and "O" in Size Group Nos. 3 to 6, inclusive, for all shipments except truck for the coals of the Gallia Mine, Mine Index No. 2943, of Gallia Sand Company in the text of the said Order;

And it is further ordered, That in all other respects the said Order of January 27, 1942, in the above-entitled matter be, and it hereby is, continued in full force and effect, unless otherwise ordered.

Dated: May 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4226; Filed, May 11, 1942; 11:38 a. m.]

[Docket No. A-1308]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ABSORPTION OF C. & O. RAILROAD SWITCHING CHARGE ON CERTAIN SHIPMENTS

Findings of fact, conclusions of law, memorandum opinion and order in the matter of the petition of District Board No. 8, for a provision in the schedule of effective minimum prices for District No. 8 for all shipments except truck, permitting the absorption of the C. & O. Railroad switching charge applicable on shipments from freight origin group 63 to the C. C. & O. Railroad for off-line railroad locomotive fuel.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division") by the Bituminous Coal Producers Board for District No. 8 ("District Board 8"), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), in behalf of Caudill-Ward Coal Company, ("Caudill-Ward") a code member producer in District No. 8. Petitioner proposed and sought an addition to the special prices established by the Schedule of Effective Minimum Prices for District No. 8 (High Volatile Section IV) for all Shipments Except Truck as follows:

That mines in Freight Origin Group 63, located on the Chesapeake and Ohio Railroad (C. & O.) be permitted to absorb the $6.93 per car switching charge on coal sold for off-line railway locomotive fuel to the Clinchfield (C. C. & O.) Railroad.

By Order of the Acting Director dated February 17, 1942, a hearing in this matter was held on March 17, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing.

Appearances were entered at the hearing by District Board 8 and the Bituminous Coal Consumers' Counsel. At the conclusion of the hearing all interested parties waived the preparation and filing of a report by the Examiner and the matter was thereupon submitted to the Acting Director.

The uncontroverted evidence shows and I find that Caudill-Ward Coal Company, operating Mine Index No. 202, located near Elkhorn City, Kentucky, produces about 400 tons of coal daily. The mine is located on the Chesapeake and Ohio Railway Company ("C. & O."), Freight Origin Group No. 63, about three-fourths of a mile north of Elkhorn City, and the terminus of the Carolina, Clinchfield and Ohio Railway ("C. C. & O.").

Principally all of the coal produced by Caudill-Ward is shipped south over the C. C. & O. Railroad. The coal produced by Caudill-Ward is of inferior quality and does not compete with other coals in the northern markets.

In order for the coal to reach the track of the C. C. & O. Railroad System, it is necessary that it be loaded on railroad cars at the mine and switched over the C. & O. Railroad to the C. C. & O. terminus. A switching charge of $6.93 per car is charged by the C. & O. Railroad to transport the coal from the mine to the C. C. & O. Railroad terminus. Under the provisions and price schedule as set forth in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, Caudill-Ward is not permitted to absorb or pay the $6.93 per car switching charge.

This switching charge of $6.93 per car is assessed by the C. & O. Railroad and charged to the C. C. & O. Railroad and paid by the C. C. & O. Railroad upon all coal which is handled by them and transported south of Kingsport, Tennessee. Upon all shipments to Kingsport and north thereof $6.93 per car is charged by the C. C. & O. Railroad to the consignees.

The record discloses that coal, at present, is being sold in the vicinity of this mine at above the effective minimum prices therefor established. As a result of the switching charge of $6.93 made by the C. & O., Caudill-Ward was forced to charge approximately 13 cents per ton more than was charged by neighboring mines for railway locomotive fuel. Therefore, previous to business recovery, it was impossible for Caudill-Ward to compete with neighboring mines. During recent months when the price of coal was raised above the effective minimum price, subsequent to December 15, 1941, Caudill-Ward has sold approximately 600 tons of coal per month to the C. C. & O. Railroad Company at $2.13 per net ton f. o. b. the mine. Previous to that time the C. C. & O. did not purchase any coal from Caudill-Ward.

It appears further from the record that the Caudill-Ward Coal Company is the only producing mine against whom a switching charge of $6.93 per car is charged. The effective minimum price for railroad locomotive fuel for Caudill-Ward and neighboring mines is $1.95 per net ton. If the prayer of this petition is granted, the Caudill-Ward Coal Company will in effect be permitted to sell off-line railroad locomotive fuel to the C. C. & O. Railroad at approximately $1.83 per net ton f. o. b. the C. & O. Railroad.

It is noted that no other code member producer intervened or appeared at the hearing.

Upon the basis of the uncontroverted evidence I find and conclude that High Volatile Section IV in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck should be amended to include a provision as follows:

Mines in Freight Origin Group 63 (C. & O. only) may deduct $6.93 per car switching charge on coal sold for off-line railroad locomotive fuel to the C. C. & O. Railroad.

I find that the foregoing amendment to the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That, effective fifteen (15) days from the date of this order, § 328.13 (c) (2) (iii) (b) (*Special prices—Railway locomotive fuel—For off-line railways*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and the same hereby is amended by adding to High Volatile Section IV a provision as follows:

Mines in Freight Origin Group No. 63 (C. & O. only) may deduct $6.93 per car switching charge on coal sold for off-line railroad locomotive fuel to the C. C. & O. Railroad.

Dated: May 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc 42-4223; Filed, May 11, 1942; 11:33 a. m.]

[Docket No. A-735]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

RELIEF GRANTED

Order granting relief in the matter of the Petition of District Board for District No. 11 for revision of the effective minimum prices for District No. 11, by providing for deductions in mine prices based on differences of freight rates between mines in District No. 11 on shipments to Fort Custer (Battle Creek), Michigan.

An original petition having been filed with the Bituminous Coal Division on March 11, 1941, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, praying for temporary and permanent orders for the establishment of deductions of freight rate differences between the mines in District 11 on shipments to Fort Custer (Battle Creek), Michigan, Market Area No. 21, so as to effectuate at Fort Custer the same delivered prices for coals produced in the various subdistricts of District 11 which are accorded the same price classification.

Petitions of intervention having been filed by District Boards 8 and 10 and by the Bituminous Coal Consumers' Counsel;

A hearing in this matter[1] having been held pursuant to Orders of the Director before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; only the petitioner having appeared at the hearing;

Temporary relief in this matter having been granted by an Order of the Director dated June 16, 1941; 6 F.R. 6500;

The Examiner on March 3, 1942, having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Opinion, recommending that the relief requested be denied;

The Petitioner having in due time filed exceptions to the Report of the Examiner and a brief in support thereof;

The undersigned having adopted the Findings of Fact of the Examiner and having made Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 331.9 (*Adjustments in f. o. b. mine prices*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be and the same hereby is amended to include the following table of deductions for differences in freight rates:

MARKET AREA NO. 21

Freight Origin Group Numbers and the Amount of Deduction for Freight Rate Differences for Coal Shipped from Mines Included in Each Freight Origin Group to Destination as Listed Below:

PRODUCING SUBDISTRICTS

Destination	BC—30, 32, 33, 34, 40, 42, 43, 90	LS—60, 61, 62, 63, 64, 65, 67, 80, 81, 83	PA [1]—10, 70, 71, 72	PA [2]—12	BO—20, 21	EV—51, 52
Fort Custer, Battle Creek, Michigan	None	10	17	20	20	35

[1] For all mines in the Princeton-Ayrshire Subdistrict not located on the Southern Railway.
[2] For all mines in the Princeton-Ayrshire Subdistrict located on the Southern Railway.

It is further ordered, That relief is granted to the extent set forth above and is in all other respects denied.

Dated: May 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4225; Filed, May 11, 1942; 11:38 a. m.]

[Docket No. A-1093]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

RELIEF GRANTED

Order granting relief in the matter of the petition of District Board 11, requesting revision of the effective minimum prices established for District 11 coals produced for rail shipment to Kellogg Airport, Battle Creek, Michigan, Market Area No. 21.

An original petition having been filed with the Bituminous Coal Division on October 6, 1941, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting deductions in the f. o. b. mine prices for certain coals in District 11 when for shipment to Kellogg Airport, Battle Creek, Michigan, in Market Area No. 21, for freight rate differences between such coals and the coals of similar price classification produced in the Brazil-Clinton Sub-district of District 11;

Petitions of intervention having been filed by District Board 8; Island Creek Coal Company, a code member in District 8; and West Virginia Coal & Coke Corporation, a code member in Districts 3 and 8; Bituminous Coal Consumers' Counsel having entered an appearance;

A hearing in this matter having been held on January 9, 1942, pursuant to Orders of the Director, before Edward J. Hayes, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; the preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 331.9 (*Adjustments in f. o. b. mine prices*) in the Schedule of Effective Minimum Prices for District 11 for All Shipments Except Truck be and the same hereby is amended to include the following table of deductions for differences in freight rates:

MARKET AREA NO. 21

Freight Origin Group Numbers and the Amount of Deduction for Freight Rate Differences for Coal Shipped from Mines included in Each Freight Origin Group to Destination as Listed Below:

PRODUCING SUBDISTRICTS

Destination	BC—30, 32, 33, 34, 40, 42, 43, 90	LS—60, 61, 62, 63, 64, 65, 67, 80, 81, 83	PA [1]—10, 70, 71, 72	PA [2]—12	BO—20, 21	EV—51, 52
Kellogg Airport, Battle Creek, Mich.	None	10	17	20	20	35

[1] For all mines in the Princeton-Ayrshire Subdistrict not located on the Southern Railway.
[2] For all mines in the Princeton-Ayrshire Subdistrict located on the Southern Railway.

Dated: May 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4224; Filed, May 11, 1942; 11:38 a. m.]

[Docket No. A-1304]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

CORRECTION OF ORDER

Order correcting typographical error in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments.

In an Order dated February 18, 1942, 7 F.R. 1718, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter the Mine Index Number for the Urbain Mine of Emil Urbain listed in Supplement T, § 331.24 (*General prices in cents per net ton for shipment into all market areas*), was inadvertently designated as Mine Index No. 998. The correct Mine Index

[1] The hearing was first scheduled for April 4, 1941, but this matter was later, by appropriate Orders of the Director, ordered to be heard together with the problems in Dockets Nos. A-762, A-776, and A-800. The hearing in these consolidated matters was finally held on June 13, 1941.

The petitioners in Dockets Nos. A-762, A-776, and A-800 prayed for the revision of the effective minimum rail prices for District 11 by providing for deductions in mine prices for certain mines in this district based upon differences in freight rates between mines in District 11 on shipments to Martinsville and Paoli, Indiana, Market Area No. 32. The exact relief requested in these three petitions was granted by an Order of the Director dated November 15, 1941 (Dockets consolidated as Nos. A-191 and A-195). Thereafter, the District Board filed a motion to dismiss its petitions in these three dockets. An Order dismissing them was entered on January 12, 1942.

Number for this mine is Mine Index No. 1315.

It appears that this typographical error should be corrected.

Accordingly it is so ordered.

Dated: May 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4231; Filed, May 11, 1942; 11:43 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO—APPENDIX

PUBLIC CIRCULAR NO. 5A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO FOREIGN FUNDS CONTROL

Certain Transactions for Which Licenses To Be Denied

MAY 8, 1942.

Reference is made to General Ruling No. 11. In view of this general ruling, it will be the policy of the Treasury Department to deny applications for licenses to effect the following transactions if they involve trade or communication with an enemy national:

(a) The filing and prosecution in enemy territory of all patent, petty patent, design, or copyright applications and the payment of fees in respect thereof; or the payment of any fees, including maintenance fees, on patents, petty patents, designs or copyrights in enemy territory.

(b) The filing and prosecution of patent applications, design applications, and applications for copyright, and the payment of any fees in connection therewith, in the United States on behalf of enemy nationals, except in cases in which approval of an application to file or prosecute a patent, design, or copyright application is requested by the Alien Property Custodian.

Attention is directed to the fact that none of the foregoing transactions are authorized by General License No. 72, or by any other license which does not refer expressly to General Ruling No. 11, if they involve any trade or communication with an enemy national. The transmission or receipt after March 18, 1942, of papers or documents relating to patents, patent applications, etc., directly or indirectly to or from an "enemy national" are included within the meaning of "trade or communication with an enemy national."

General License No. 72, of course, continues to be in effect with respect to the filing and prosecution of patent applications in the United States and other transactions authorized therein, in cases which do *not* involve trade or communication (after March 18, 1942) with an enemy national. (Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1, 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838; E.O. 8389, 5 F.R. 1401, as amended by E.O. 8785, 6 F.R. 2897, E.O. 8832, 6 F.R. 3715, E.O. 8963, 6 F.R. 6348, and E.O. 8998, 6 F.R. 6785; Regulations, April 10, 1940, as amended June 14, 1941 and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-4169; Filed, May 9, 1942; 10:25 a. m.]

Chapter IV—Secret Service

PART 405—ILLUSTRATIONS OF WAR SAVINGS BONDS

§ 405.1 *Authority.* This authorization is made under authority of section 150 of the Act of March 4, 1909, 35 Stat. 1116 (18 U.S.C. 264) and under all other authority vested in the Secretary of the Treasury.

§ 405.2 *Illustrations authorized.* Authority is hereby given to make, hold, and dispose of illustrations of War Savings Bonds for publicity purposes in connection with the War Savings Bond sales campaign: *Provided,* That this authorization shall not be construed to permit illustrations of War Savings Stamps without authority from the Secretary of the Treasury or other proper officer of the Treasury Department.

§ 405.3 *Modification or revocation.* This authorization may be modified or revoked at any time.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

MAY 9, 1942.

[F. R. Doc 42-4207; Filed, May 9, 1942; 12:09 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 79]

STATE DOCKET BOOK OF APPEALS

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 104, entitled "State Docket Book of Appeals," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42-4192; Filed, May 9, 1942; 11:28 a. m.]

[Order No. 33]

FORT COLLINS CAMP PROJECT, COLORADO, ESTABLISHMENT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Fort Collins Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 33. Said camp, located at Fort Collins, Larimer County, Colorado, will be the base of operations for soil conservation work in the State of Colorado, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Fort Collins Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion and forest fire presuppression and suppression, and shall be under the technical direction of the Soil Conservation Service of the Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

MAY 6, 1942.

[F. R. Doc. 42-4191; Filed, May 9, 1942; 11:23 a. m.]

[1] Filed with the original document.

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 933—COPPER

SUPPLEMENTARY ORDER M-9-B AS AMENDED MAY 9, 1942

Section 933.3 *Supplementary Order M-9-b* as amended March 31, 1942 is hereby amended so as to read as follows:

§ 933.3 *Supplementary Order M-9-b*—(a) *Definitions.* For the purposes of this supplementary order:

(1) "Scrap" means all copper or copper base alloy materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(2) "Copper" means copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes, or copper shot or other forms produced by a refiner.

(3) "Copper base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the weight of all the metal.

(4) "Ingot" means an ingot or other shape for remelting which has been cast primarily from copper base alloy or scrap.

(5) "Brass mill scrap" means that scrap which is a waste or by-product of industrial fabrication of products produced by brass mills.

(6) "Brass mill" means one which rolls, draws or extrudes castings made in its own plant or copper base alloys, or one which rolls, draws or extrudes refinery shapes of copper or copper base alloys; it does not include a mill which re-rolls, re-draws or re-extrudes products produced from refinery shapes or castings of copper of copper base alloys.

(7) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(8) "Public utilities" means any person furnishing telephone, telegraph or electric light and power services to the public or city, suburban or inter-city electrically operated public carrier transportation.

(b) *Delivery or acceptance of scrap or ingots.* Notwithstanding the assignment of any preference rating, no person shall deliver or accept the delivery of any scrap or ingots except in accordance with the following directions:

(1) Brass mill scrap shall be delivered only to a scrap dealer or to a brass mill; a scrap dealer who accepts delivery of brass mill scrap shall in turn deliver such scrap only to a brass mill or another scrap dealer.

(2) No. 1 or No. 2 copper scrap shall be delivered only to a scrap dealer, or to a person specifically authorized by the Director of Industry Operations to receive deliveries of such quantities of no. 1 or no. 2 copper scrap.

(3) Scrap other than brass mill, no. 1 or no. 2 copper scrap shall be delivered only to a scrap dealer, or to a person specifically authorized by the Director of Industry Operations to receive deliveries of such quantities of scrap.

(4) Ingots shall be delivered only to a person specifically authorized by the Director of Industry Operations to receive deliveries of such quantities of Ingots.

(5) A person other than a brass mill or dealer shall accept a delivery of scrap only pursuant to a specific authorization of the Director of Industry Operations.

(6) A brass mill shall accept no delivery of scrap other than brass mill scrap without the specific authorization of the Director of Industry Operations.

(7) No person shall accept a delivery of ingots except as specifically authorized by the Director of Industry Operations.

(8) A scrap dealer shall accept delivery of scrap only if:

(i) such scrap dealer shall, during the preceding 60 days, have sold or otherwise disposed of scrap to an amount of at least equal in weight to the scrap inventory of such scrap dealer on the date of acceptance of delivery of scrap (which inventory shall exclude such delivery), and

(ii) such scrap dealer shall have filed with the Bureau of Mines, College Park, Maryland, by the 10th of each month, Form PD-249, and

(iii) such scrap dealer shall have supplied such other information as the Director of Industry Operations may from time to time require.

(c) *Melting or processing of scrap or ingots.* (1) No person other than a brass mill shall melt or process scrap, and no person shall melt or process ingots, including scrap or ingots on hand at the date of this order, without the specific authorization of the Director of Industry Operations.

(2) No brass mill shall melt or process any scrap other than brass mill scrap, including scrap on hand at the date of this order, without the specific authorization of the Director of Industry Operations.

(3) No person accepting a delivery of scrap or ingots shall use such scrap or ingots or an equivalent amount and grade thereof except for the purposes for which acceptance of such deliveries are authorized by the Director of Industry Operations.

(4) All melters or processors of scrap other than brass mills and foundries shall file Form PD-121, Ref: M-9-b, War Production Board, Washington, D. C., on or before the 15th day of each month. All foundries who melt scrap or ingots shall file Form PD 459, Ref: M-9-b, War Production Board, Washington, D. C., on or before the 10th day of each month.

(d) *Authorization.* (1) Authorizations to receive deliveries of, melt or process scrap or ingots will be given by the Director of Industry Operations to assure the satisfaction of the most essential war requirements. After the satisfaction of such requirements, the deliveries of any residual supply may be authorized by the Director of Industry Operations for other necessary requirements.

(2) Any person other than a foundry desiring to obtain an authorization pursuant to this order to accept the delivery of, melt or process scrap should make application on Form PD-130, Ref: M-9-b, War Production Board. Foundries desiring to obtain an authorization to accept the delivery of, melt or process scrap or ingots should make application on Form PD-459, Ref. M-9-b, War Production Board by the 10th of the month preceding the month for which you request authorization.

(e) *Disposal of scrap generated through fabrication or accumulated through obsolescence.* No person shall use, melt or dispose of any scrap generated in his plant through fabrication or as accumulated in his operations through obsolescence, in any way other than by sale or delivery to a person authorized to accept delivery, without the specific authorization of the Director of Industry Operations. In no event shall any person keep on hand more than thirty days' accumulation of scrap unless such accumulation aggregates less than five tons. All persons generating scrap through fabrication or accumulating scrap through obsolescence in excess of 2,000 pounds in any calendar month, shall report on Form PD-226 on or before the 15th day of the following month, to the War Production Board, Ref: M-9-b, setting forth scrap inventory at the beginning of the previous calendar month, accumulations and sales during such month, inventory at the end of such month and such other information as the Director of Industry Operations may request from time to time. Nothing herein contained shall prohibit any public utility from using in its own operations wire or cable which has become scrap by obsolescence provided the lengths of such wire or cable are in excess of five feet and the quantity of such material so used by any person in any calendar month does not exceed five tons or such other amount as the Director of Industry Operations may specifically authorize.

(f) *Toll agreement.* No person shall deliver scrap or ingots and no person shall accept same for converting, remelting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement by which title remains vested in the person delivering the scrap or ingots or causing the scrap or ingots to be delivered, or which agreement is contingent upon return of processed material in any quantities, equivalent or otherwise, to the person delivering or causing the scrap or ingots to be delivered, unless and until such an agreement shall have been approved by the Director of Industry Operations. Any person desiring to have such an agreement approved must file with the War Production Board a statement setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the

processed material is to be used, and any other pertinent data that would justify such approval.

(g) *Restriction on acceptance of copper base alloys or castings, including ingots, made therefrom.* No person shall knowingly accept delivery of copper base alloys or castings, including ingots, made therefrom, which have been obtained by melting and processing scrap delivered to a melter or processor contrary to the provisions of this order.

(h) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(i) *Specific directions.* The Director of Industry Operations may from time to time issue specific directions to any person as to the source, destination, amount, or grade of scrap or ingots to be delivered or acquired by such person.

(j) *Violations.* Any person who wilfully violates any provision of this Order or who wilfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(k) *Communications.* All reports to be filed, applications for authorization to receive delivery of scrap or ingots, and other communications concerning this order, should be addressed to the War Production Board, Washington, D. C., Ref: M-9-b.

(l) This order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 9th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4188; Filed, May 9, 1942; 10:41 a. m.]

PART 983—MATERIALS ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

AMENDMENT NO. 1 TO SUPPLEMENTARY LIMITATION ORDER L-4-C

Section 983.5, *Supplementary Limitation Order L-4-C*,[1] is hereby amended by changing the date "May 1, 1942" appearing in paragraph (c), *Restrictions on production*, to "May 15, 1942." (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Amendment shall take effect immediately.

Issued this 8th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4169; Filed May 8, 1942; 4:07 p. m.]

PART 1010—SUSPENSION ORDERS

AMENDMENT NO. 1 TO SUSPENSION ORDER NO. S-39—SUSQUEHANNA WOOLEN CO.

Paragraph (e) of § 1010.39, *Suspension Order S-39*[1] (issued April 23, 1942), is hereby amended to read as follows:

(e) This order shall take effect on April 24, 1942, and shall expire on August 24, 1942, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 8th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4160; Filed, May 8, 1942; 2:40 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-52—SUPERIOR METAL CO.

Superior Metal Company of Chicago, Illinois, and Bethlehem, Pennsylvania, is engaged in the business of metal plating. It is subject to the provisions of Priorities Regulation No. 1. In an application on Form PD-3, dated September 16, 1941, the Company certified that 150 nickel anodes weighing 6,000 pounds were essential to the completion of contracts cited in the application, and that the specified quantities of these materials were not greater than required for said contracts. This statement constituted a misrepresentation to the Office of Production Management, in that, upon the date this application was made, the Company knew that this quantity of material was not essential to the completion of the contracts referred to above and was in excess of the quantity required to complete such contracts. At the time of this representation the Company had already received nickel anodes in excess of the amount required to fill contracts of the same named contractors under another preference rating certificate. The Company obtained a total of 14,009.5 pounds of nickel anodes pursuant to the assignment of Preference Ratings granted to the Company on the representation that this material was required for the completion of orders placed by J. M. Katz for nickel and chromium plating mirrors for use in army cantonments. The metal so obtained was far in excess of that required to fill the orders of J. M. Katz and was not used by the Company for the purpose specified in connection with the issuance of the Preference Ratings.

These violations of Priorities Regulation No. 1 impeded and hampered the war effort of the United States by diverting materials to uses not authorized by the Director of Industry Operations. In view of the foregoing facts,

It is hereby ordered that:

§ 1010.52 *Suspension Order S-52.* (a) Superior Metal Company, its successors and assigns, are prohibited from accepting deliveries of, processing, delivering, causing to be delivered, or dealing in any manner in primary metallic nickel, either alloyed or unalloyed, ferro nickel, nickel matte or nickel salts, oxides, or carbonates, except as specifically authorized by the Director of Industry Operations.

(b) Deliveries of materials to Superior Metal Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order; and no preference rating shall be applied or assigned to such deliveries to Superior Metal Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations.

(c) No allocations shall be made to Superior Metal Company, its successors and assigns, of any material, the supply or distribution of which is governed by any order of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(d) Nothing contained in this order shall be deemed to relieve Superior Metal Company, its successors and assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the Director of Industry Operations.

(e) This order shall take effect on May 10, 1942, and shall expire on July 10, 1942, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680, W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law. 89, 77th Cong.)

Issued this 8th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4161; Filed, May 8, 1942; 2:40 p. m.]

PART 1052—KITCHEN, HOUSEHOLD, AND OTHER MISCELLANEOUS ARTICLES

AMENDMENT NO. 2 TO GENERAL LIMITATION ORDER L-30[1]

Section 1052.1 *General Limitation Order L-30* is hereby amended in the following particulars:

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[1] 7 F.R. 3362.

[1] 7 F.R. 3058.

[1] 7 F.R. 2463, 2785.

Subparagraph (a) (3) is hereby amended to read as follows:

(3) "Group III products" means the following kitchen, household, and other miscellaneous articles (whether manufactured for household or for any other purpose): all closet accessories, including, but not limited to, coat and garment hangers and hooks, tie racks, and boot and shoe-trees, but excluding any paper board or wood garment and cloak hanger, the only scarce material content of which is a steel wire hook; all articles of fireplace equipment except fire screens; towel bars and racks, tooth brush holders, soap dishes, soap savers, toilet and other paper holders, pot chains, fly swatters, sink drainers, dish drainers, cuspidors, vegetable bins, curtain rods, fixtures, and drapery attachments, clothes-pins, candlesticks, carpet beaters; pot cover holders, picnic stoves, camp grids, cup frames, and cake coolers.

Paragraph (b) is hereby amended by adding thereto the following subparagraph, designated as paragraph (b) (5):

(5) Nothing in this order is intended in any way to prohibit a manufacturer from using a minimum amount of iron or steel for such nuts, nails, bolts, screws, clasps, rivets, and other joining hardware as are required to manufacture or assemble any Group I, II, or III product: *Provided, however,* That the aggregate weight of all joining hardware entering into any Group I, II, or III product shall not exceed 5% of the total weight of such product, when completed.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 9th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4185; Filed, May 9, 1942; 10:40 a. m.]

PART 1095—COMMUNICATIONS

CORRECTION TO PREFERENCE RATING ORDER P-129—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES

A typographical error has been discovered in § 1095.2 (g) (2) of Preference Rating Order P-129[1] and the following correction to that section should be made so that subparagraph (2) will read:

(2) Except as provided in paragraph (g) (3) of this section, no operator who has applied the rating assigned hereby shall, during any calendar quarterly period, use material for maintenance, repair, and operating supplies, the aggregate dollar volume of which shall exceed 110% of the aggregate dollar volume of such material used during the corresponding quarter of 1940, or at the operator's option 27½% of the aggregate dollar volume of such material used during the calendar year 1940. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 9th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4182; Filed, May 9, 1942; 10:41 a. m.]

PART 1201—ISTLE AND ISTLE PRODUCTS

CONSERVATION ORDER M-138

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of istle and istle products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1201.1 *Conservation Order M-138.*—(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith in which case the provisions of this order shall govern.

(b) *Additional definitions.* As used in this order:

(1) "Raw istle" means unprocessed istle, including the types or grades commonly known as juamave, tula, palma and pita.

(2) "Istle product" means any product processed from raw istle, either alone or in combination with other fibers, and including, but not limited to, dressed or hackled fiber, brush fiber, tow for upholstery or padding, rope form for upholstery or padding, yarn, twine, roving, cordage or waste istle.

(3) "Processor" means any person who processes raw istle.

(c) *Restrictions on the importation and disposition of raw istle.* (1) The importation of raw istle shall be performed subject to and in accordance with the provisions of General Imports Order M-63,[2] as amended from time to time.

(2) Notwithstanding anything contained in paragraphs (c), (d) and (e) of General Imports Order M-63, as amended from time to time, any person may dispose of raw istle imported in accordance with said order without further authorization: *Provided,* That such disposition shall be solely for the uses and within the inventory limits prescribed by the instant Conservation Order, M-138.

(d) *Restrictions on the importation and acquisition of istle products.* Unless specifically authorized by the Director of Industry Operations, no person shall import or purchase for import, or offer to import or offer to purchase for import, and no person shall hereafter receive, or offer to receive, any istle product except to fill orders in the categories described in paragraph (e), of this section: *Provided however,* That orders not within these categories may be filled under contracts made before the effective date of this order where the istle product at that date is not usable for the uses stated in paragraph (e) of this section.

(e) *Restrictions on the use of raw istle.* (1) Unless specifically authorized by the Director of Industry Operations, no person shall put into process or use raw istle except for the following purposes:

(i) The manufacture of cut istle, istle tow, or istle in rope form for use in upholstery or padding: *Provided,* That such manufacture is for the purpose of filling orders bearing a preference rating higher than A-2.

(ii) The manufacture or processing of the fiber for brushes;

(iii) The manufacture of single or plied yarn or roving, either alone or in combination with other fiber, for use in:

(*a*) Twine or cordage;

(*b*) Centers for wire rope.

(iv) The manufacture of products, or components to be physically incorporated into such products, purchased by or for the account of the Army, Navy or Maritime Commission, but only to the extent required by specifications, including performance specifications, of the Army, Navy or Maritime Commission, and only until July 31, 1942.

(f) *Restrictions on inventory.* (1) Unless specifically authorized by the Director of Industry Operations, no person shall knowingly deliver and no person shall accept delivery of raw istle which will result in an inventory in excess of a four months' supply of raw istle at the current rate of sales or use of the person accepting delivery: *Provided, however,* That nothing in this paragraph shall be construed to limit the amount of raw istle which any United States governmental department, agency or corporation, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, may acquire for governmental account.

(2) Unless specifically authorized by the Director of Industry Operations, a processor shall put raw istle into process for the manufacture of an istle product only to the minimum amount necessary to meet his required deliveries of such istle product and to maintain a practicable minimum working inventory of his istle products as measured by the monthly average of his deliveries of each such type of product in the three preceding calendar months.

(3) Unless specifically authorized by the Director of Industry Operations, no person shall knowingly deliver and no person, other than a processor, or any United States governmental department, agency or corporation, the Board of Economic Warfare, the Defense Supplies

[1] 7 F.R. 3030.

[2] 6 F.R. 6796.

Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, shall accept delivery of any istle product which will at any time result in an inventory in excess of one month's supply of each such type of product based upon the current rate of operations of the person accepting delivery.

(4) Unless specifically authorized by the Director of Industry Operations, no person shall knowingly deliver and no processor shall accept delivery of any istle product which will at any time result in an inventory in excess of a two months' supply of each such type of product based upon the current rate of operations of the processor accepting delivery.

(g) *Certification.* (1) No person shall deliver raw istle, other than to any United States governmental department, agency or corporation, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, unless the person accepting delivery shall certify as a condition to securing the material the following:

The undersigned hereby certifies that he will use this raw istle only for the uses permitted in Conservation Order M-138, and that the receipt of the raw istle on this order, based on the scheduled date of arrival, will not give him more than a four months' supply, including amounts already in stock.

(2) Each person, other than a processor, or any United States governmental department, agency or corporation, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, who acquires any istle product shall certify as a condition to securing such istle product the following:

The undersigned hereby certifies that he will use this istle product only for the uses permitted in Conservation Order M-138, and that the receipt thereof, based on the scheduled date of arrival, will not give him more than a one month's supply, including quantities already in stock.

(3) Each processor who acquires any istle product shall certify as a condition to securing such istle product the following:

The undersigned hereby certifies that he will use this istle product only for the uses permitted in Conservation Order M-138, and that the receipt thereof, based on the scheduled date of arrival, will not give him more than a two months' supply, including quantities already in stock.

(h) *Reports.* (1) Each processor shall on the fifteenth day of each month following the effective date of this Order file with the War Production Board, Ref.: M-138, a report showing:

(i) The amount of raw istle acquired during the previous month;

(ii) The amount of raw istle put into process during the previous month.

(2) Each processor or other person who has acquired any raw istle or any istle product shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(i) *Records.* Each processor or other person acquiring any raw istle or any istle product shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production, sales and transactions in such materials.

(j) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, Ref.: M-138, setting forth the pertinent facts and the reasons why he considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(l) *Communications to the War Production Board.* All reports required to be filed under, and all communications concerning, this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: M-138.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 9th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4167; Filed, May 9, 1942; 10:40 a. m.]

PART 1215—FEMININE LINGERIE AND CERTAIN OTHER GARMENTS

GENERAL LIMITATION ORDER L-116

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wool, silk, rayon, cotton, linen and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1215.1 *General Limitation Order L-116*—(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions.* For the purposes of this order:

(1) "Women's" and "misses" sizes means lingerie of sizes 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52.

(2) "Junior misses" sizes means lingerie of sizes 9, 11, 13, 15, 17, 19.

(3) "Teen age" sizes means lingerie of sizes 10, 12, 14, 16.

(4) "Girls" sizes means lingerie of sizes 7, 8, 10, 12, 14.

(5) "Children's" sizes means lingerie of sizes 3, 4, 5, 6, 6X.

(6) "Feminine lingerie" means all women's, misses' and children's night gowns, slips, petticoats and sleeping pajamas.

(7) A "night gown" means a one piece loose sleeping garment of any length.

(8) A "slip" means a one piece underskirt with bodice top which is worn under a dress or suit.

(9) A "petticoat" or "half slip" means an underskirt without bodice top.

(10) A "pajama" means a one or two piece garment with trouser legs which is suitable only as a sleeping garment.

(11) "Put into process" means the first cutting operation of cloth in the manufacture of any feminine lingerie for sale, resale, or on commission, including but not being limited to manufacturers to the trade, tailors, custom dressmakers, retailers and home dressmakers.

(12) Measurements; particular measurements set forth in this order shall refer to finished measurements after all manufacturing operations have been completed, all decorations and embellishments added, and the garment is ready for shipment, as follows:

(i) All measurements for the length of gowns are to be made from the top of the shoulder to the bottom of the finished garment. No garment shall exceed the maximum length herein prescribed at any point in its circumference.

(ii) All measurements for pajama tops are from nape of neck to bottom of finished top.

(iii) All measurements for pajama trouser lengths are maximum outseam measurements including waistband.

(13) "Sweep" means amount of material in circumference of the garment.

(14) Unless otherwise expressly defined, all terms shall have their usual and customary trade meanings.

(c) *General provisions with respect to finished garments.* Except as provided in paragraph (h) (1) the prohibitions and restrictions of this order shall not apply to articles of feminine lingerie, the cloth

for which was put into process prior to the effective date of this order, or to articles of feminine lingerie in existence on that date or to second-hand articles of feminine lingerie.

(d) *General exceptions.* The prohibitions and restrictions of this order shall not apply to feminine lingerie manufactured or sold for use as:

(1) Infants' and toddlers' lingerie, size ranges from 1 to 3.

(2) Lingerie for persons who, because of abnormal height, size or physical deformities, require additional material for proportionate length of skirt, or jacket, or sweep of skirt.

(3) Historical costumes for theatrical productions: *Provided, however,* That no feminine apparel manufactured or sold pursuant to this paragraph shall be used for any purposes other than those for which it was so manufactured or sold, unless altered to conform to the provisions of this order, applicable to such other use.

(e) *General restrictions on the manufacture and sale of all articles of feminine lingerie.* Except as otherwise herein expressly provided, no person shall, after the effective date of this order:

(1) Put into process or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver any feminine lingerie with:

(i) More than one article of lingerie at one unit price.

(ii) Double material yokes.

(iii) Balloon, dolman, or leg-of-mutton sleeves.

(iv) Fabrics which have been reduced from normal width or length by all over tucking, shirring, or pleating, except for minor trimmings.

(v) More than one pocket.

(vi) With any hem exceeding one inch.

(vii) With a ruffle bottom or with a ruffle attached or applied anywhere below the waistline of a garment of feminine lingerie.

(2) Sell or deliver at one unit price any articles of feminine lingerie which cannot be purchased from the manufacturers thereof at one unit price.

(f) *Curtailment on women's, junior's and children's lingerie, including night gowns, slips, petticoats and pajamas.* No person shall, after the effective date of this Order, put into process or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver any:

(1) Night gowns, as follows:

(i) With a separate or attached jacket, robe, sacque, negligee, fichu, shawl, cape, slip, chemise, teddy bear, mittens, cap, hood, hot water bottle cover, or shoes at a unit price.

(ii) Exceeding the measurements of Schedule A attached hereto.

(iii) With a belt of self material exceeding one-half inch in width or of contrasting material.

(2) Slips, as follows:

(i) With a separate or attached pantie, brassiere, teddy bear, chemise, gown, robe, negligee, or housecoat at a unit price.

(ii) Exceeding the measurements of Schedule B attached hereto.

(iii) With a shadow or double skirt panel of any kind.

(3) Petticoats, as follows:

(i) With a separate or attached pantie, brassiere, teddy bear, chemise, gown, robe, negligee, or housecoat at a unit price.

(ii) Exceeding the measurements of Schedule B attached hereto.

(iii) With a shadow or double skirt panel of any kind.

(4) Pajamas, as follows:

(i) With a separate or attached jacket, robe, sacque, negligee, hood, cap, mittens, belt, or shoes at one unit price.

(ii) With a top exceeding measurements of Schedule C attached hereto.

(ii) With trousers exceeding measurements of Schedule C attached hereto.

(iv) With a cuff on the trousers.

(v) With a bi-swing, vent, pleated, or Norfolk type top.

(g) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of wool, silk, rayon, cotton, linen, or other material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegraph, Reference L–116, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Certificate.* (1) Any person selling or delivering any articles of feminine lingerie in existence on, or the cloth for which was put into process prior to the effective date of this Order, except second-hand articles, shall attach to the purchaser's copy of invoice for such feminine lingerie, a certificate signed by an individual authorized to sign for such person in substantially the following form:

The undersigned hereby certifies to his vendee and to the War Production Board that the articles of feminine lingerie covered by our invoice No. _____ of _____ day of _____ 19____ were in existence or the cloth for same was put into process prior to the effective date of General Limitation Order L–116.

_____, by _____,
Name of Seller Authorized Individual

(2) Any person putting cloth into process for the manufacture of any feminine lingerie after the effective date of this Order with respect to such person, shall endorse upon, or attach to the purchaser's copy of invoice for such feminine lingerie sold by him, a certificate signed by an individual authorized to sign for such person, in substantially the following form:

The undersigned hereby certifies to his vendee and to the War Production Board that the articles of feminine lingerie covered by our invoice No. _____ of _____ day of _____ 19____ have been manufactured and are being sold in accordance with the provisions of General Limitation Order L–116.

_____, by _____,
Name of Seller Authorized Individual

(3) Any jobber, wholesaler, or other person selling feminine lingerie which he did not manufacture except lingerie in existence on or put into process prior to the effective date of this order and except in the case of retailers' sales to ultimate consumers, shall endorse upon, or attach to the purchaser's copy of invoice for such feminine lingerie sold by him, a certificate in substantially the following form:

The undersigned hereby certifies to his vendee and to the War Production Board that the articles of feminine lingerie covered by our invoice No. _____ of _____ day of _____ 19____ were purchased by us from a manufacturer who furnished us with a certificate stating that they had been manufactured and sold in accordance with the provisions of General Limitation Order L–116, and we have no reason to believe that the said manufacturer's certificate is false in any respect, and our sale to you is in accordance with all of the provisions of the said Order, with the terms of which we are familiar.

_____, by _____,
Name of seller Authorized Individual

(i) *Reports and records.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time. The certificate required under paragraph (h) shall be retained by the vendee for a period of one year after receipt.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Effective date.* This order shall take effect on May 11, 1942 at 12:01 A. M. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 9th day of May, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE NO. A—MAXIMUM MEASUREMENTS FOR NIGHT GOWNS

Women's sizes	32	34	36	38	40	42	44	46	48	50	52	54	56
Sweep	68	70	72	74	76	78	80	82	84	86	88	90	92
Length	54	54	54	54	54	55	55	55	55	55	55	55	55
Hem	1	1	1	1	1	1	1	1	1	1	1	1	1

Junior sizes	9	11	13	15	17	19
Sweep	65	66	68	70	72	74
Length	53	53	53	54	54	54
Hem	1	1	1	1	1	1

Girls' sizes	7	8	10	12	14
Sweep	51	53	59	60	64
Length	33	40	44	48	50
Hem	1	1	1	1	1

Teen age sizes	10	12	14	16
Sweep	64	66	68	70
Length	50	50	52	52
Hem	1	1	1	1

Children's sizes	3	4	5	6	6X
Sweep	43	45	47	49	51
Length	29	31	33	35	39
Hem	1	1	1	1	1

SCHEDULE NO. B—MAXIMUM MEASUREMENTS FOR SLIPS AND PETTICOATS

Women's sizes	32	34	36	38	40	42	44	46	48	50	52	54	56
Sweep	56	58	60	62	64	66	68	70	72	74	76	78	80
Hem	1	1	1	1	1	1	1	1	1	1	1	1	1

Junior sizes	9	11	13	15	17
Sweep	52	54	56	58	60
Hem	1	1	1	1	1

Girls' sizes	7	8	10	12	14
Sweep	46	48	50	52	54
Hem	1	1	1	1	1

Teen age sizes	10	12	14	16
Sweep	52	54	56	58
Hem	1	1	1	1

Children's sizes	3	4	5	6	6X
Sweep	38	40	42	44	46
Hem	1	1	1	1	1

SCHEDULE NO. C—MAXIMUM MEASUREMENTS FOR SLEEPING PAJAMAS

Women's sizes	32	34	36	38	40	42	44	46	48	50	52	54
Length top	23	24	25	26	27	28	28	28	28	28	28	28
Length trouser including waistband	40	40½	41	41½	42	42½	43	43½	44	44	44	44
Circumference for each trouser leg	22	23	24	25	26	27	28	29	30	30	30	30
Hem on coat and on trouser leg	1	1	1	1	1	1	1	1	1	1	1	1

Junior sizes	9	11	13	15	17
Length top	21	22	23	24	25
Length trouser including waistband	38½	39	39½	40	40½
Circumference for each trouser leg	22	22	22	23	24
Hem on coat and on trouser leg	1	1	1	1	1

Children's sizes	3	4	5	6	6X
Length trouser	21	23	25	29	32
Length top	14	15	16	17	18
Circumference for each trouser leg	17	17	17	17	18
Hem	1	1	1	1	1

Girls' sizes	7	8	10	12	14	16
Length trouser	33	34	35	36	37	39
Length top	18	19	20	21	22	23
Circumference for each trouser leg	18	19	20	21	22	23
Hem	1	1	1	1	1	1

[F. R. Doc. 42-4184; Filed, May 9, 1942; 10:40 a. m.]

PART 1219—CASHEW NUT IMPORTS

CASHEW NUT IMPORTS ORDER M-147

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cashew nut shell oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1219.1 *Imports Order M-147*—(a) *Definition.* For the purpose of this Order "cashew nut" means the kernel of the cashew seed.

(b) *Restrictions on imports of cashew nuts.* On and after May 20, 1942, no person shall import cashew nuts into the United States or its possessions except as specifically authorized by the Director of Industry Operations upon application by letter to the War Production Board, Washington, D. C., Ref: M-147, which authorization, in the discretion of the Director of Industry Operations, may be conditioned upon the extraction of the oil from the shells of cashew nuts prior to the importation of such cashew nuts into the United States or its possessions: *Provided, however,* That nothing contained herein shall apply to:

(1) Cashew nuts on board any transoceanic or coast-wise ship, whether in port or at sea, on May 20, 1942;

(2) Cashew nuts imported pursuant to specific written authorization of the Director of Industry Operations upon application on Form PD-222C, pursuant to paragraph (b) of General Imports Order M-63.[1]

(c) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(d) *Violations.* Any person who wilfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or wilfully furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 9th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4185; Filed, May 9, 1942; 10:41 a. m.]

[1] 6 F.R. 6786.

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

SUPPLEMENTARY DIRECTIVE NO. 1 H

§ 903.9 *Further delegation of authority to the Office of Price Administration with reference to rationing of gasoline.* (a) In order to permit the efficient rationing of gasoline, the authority delegated to the Office of Price Administration in § 903.1 (*Directive No. 1*)[1] is hereby extended to include the exercise of rationing control over the sale, transfer or other disposition of gasoline by any person to any consumer as defined in paragraph (c) hereof, except those specified in subparagraphs (1) and (2) of paragraph (a) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1.

(b) The authority herein delegated to the Office of Price Administration may be exercised only in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia, and the corporate limits of the City of Bristol, Tennessee: *Provided*, That such authority may further extend to any point within fifty (50) miles of the boundaries of the area so defined.

(c) As used in this Supplementary Directive, the term "gasoline" means any liquid fuel, except Diesel Fuel, used for the propulsion of motor vehicles or boats by means of internal combustion engines and includes any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft; and the term "consumer" means any person who acquires gasoline for use rather than transfer and any other person to the extent to which he uses gasoline, irrespective of the purpose for which such gasoline was acquired by him. (E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; W.P.B. Reg. No. 1, 7 F.R. 561, as amended, 7 F.R. 2126)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4243; Filed, May 11, 1942; 11:56 a. m.]

Subchapter B—Division of Industry Operations

PART 962—STEEL

AMENDMENT NO. 3 TO SUPPLEMENTARY ORDER M-21-A—ALLOY IRON AND ALLOY STEEL

Section 962.2, *Supplementary Order M-21-a*,[2] is amended to read as follows:

§ 962.2 *Supplementary Order M-21-a*—(a) *Definitions.* For the purposes of this Order:

(1) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

Manganese in excess of 1.65%.
Silicon in excess of 0.60%.
Copper in excess of 0.60%.
Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(2) "Alloy iron" means any iron casting containing any one or more of the following elements in the following amounts:

Manganese in excess of 1.65%.
Silicon in excess of 5.00%.
Copper in excess of 0.60%.
Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

It does not include those materials commonly known as ferro-alloys.

(b) *Priority control.* All the provisions and definitions of General Preference Order M-21, as amended from time to time, shall be applicable to alloy iron and alloy steel and are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(c) *Purchasers' statements.* Each person who orders alloy steel from a Producer for melting on or after June 1, 1942 shall include in the purchaser's statement required by paragraph (c) of General Preference Order M-21 the end use (by general classification and specific part name) for which such material will be used, the Government contract number (if any), the date on which delivery is needed and a statement that such delivery date is not earlier than required by the purchaser's production or delivery schedules.

(d) *Melting and deliveries of certain alloy iron and alloy steel.* Except pursuant to specific authorization or direction of the Director of Industry Operations, no alloy iron or alloy steel shall be melted or delivered except in accordance with the following:

(1) *Producers' forms.* Each producer shall file monthly with the War Production Board, Reference: M-21-a, melting schedules on forms PD-391, 391-a, 440, and such other forms as may be from time to time prescribed. The Director of Industry Operations may make such changes in any melting schedule as to him shall seem appropriate and may from time to time issue supplementary directions with regard to melting of alloy iron and alloy steel. The provisions of this paragraph (d) (1) shall not apply to a producer who melts in such month less than 4,000 pounds of chromium and less than 500 pounds of nickel.

(2) *Restrictions on melting.* No producer shall melt alloy iron or alloy steel except pursuant to a preference rating of A-3 or higher on orders for NE steels, 4000 Series steels and 9200 Series steels as described in "Contributions to the Metallurgy of Steel—No. 5", published January, 1942, by the American Iron and Steel Institute, and of A-1-k or higher on orders for other alloy iron and alloy steel. On and after June 1, 1942, no Producer who is required by paragraph (d) (1) to file melting schedules shall melt any alloy iron or alloy steel containing chromium, cobalt, molybdenum, nickel, tungsten, or vanadium, except in accordance with such schedules as approved by the Director of Industry Operations, or in accordance with such supplementary directions as may from time to time be issued by the Director of Industry Operations.

(3) *Restrictions on deliveries.* No producer shall deliver alloy iron or alloy steel except pursuant to a preference rating of A-3 or higher on orders for NE steels, 4000 Series steels, and 9200 Series steels as described in "Contributions to the Metallurgy of Steel—No. 5", published January, 1942, by the American Iron and Steel Institute, and of A-1-k or higher on orders for other alloy iron and alloy steel or on an order for which the melting has been specifically authorized or directed by the Director of Industry Operations. On and after July 15, 1942, no Producer who is required by paragraph (d) (1) to file melting schedules shall deliver alloy iron or alloy steel containing chromium, cobalt, molybdenum, nickel, tungsten, or vanadium, except on an order for which the melting has been specifically authorized or directed by the Director of Industry Operations.

(e) *Directions as to alloying content.* The Director of Industry Operations may from time to time issue directions, specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization or direction of the Director of Industry Operations, no person shall make or accept delivery under any toll agreement whereby one person melts alloy iron or alloy steel for another person.

(g) *General Preference Order M-14 still effective.* Nothing contained herein shall be construed to amend or modify any of the provisions of General Preference Order M-14,[3] to conserve the supply and direct the distribution and use of tungsten in high-speed steel. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Cong., as amended by Public Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4242; Filed, May 11, 1942; 11:46 a. m.]

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[1] 7 F.R. 562.
[2] 6 F.R. 4784, 5995, 6646.
[3] 6 F.R. 2876, 6207; 7 F.R. 28.

PART 1031—MOLASSES

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER NO. M-54, AS AMENDED MARCH 27, 1942

Section 1031.1 *General Preference Order M-54,* (as amended March 27, 1942) [1] is hereby amended in the following particulars:

Subparagraph (c) (4) is hereby amended to read as follows:

(4) Except as otherwise provided in paragraph (d) hereof, no deliveries of molasses shall be made by any producer, primary distributor, secondary distributor or importer unless the same shall have been specifically authorized by the Director of Industry Operations; and no person shall accept delivery of molasses if such delivery would be made in violation of the foregoing clause.

Paragraph (d) shall hereafter be entitled *Permissive deliveries* instead of *Unrestricted deliveries.*

Paragraph (d) (2) is hereby amended to read as follows:

(2) Deliveries to primary distributors and secondary distributors for purposes of resale. All quantities of molasses, delivery of which primary distributors and secondary distributors accept, shall be subject to allocation, re-distribution or re-delivery in accordance with specific directions which the Director of Industry Operations may from time to time hereafter issue.

(4) Paragraph (j) is hereby amended by adding the following sentences:

* * * Importers shall notify the Chemicals Branch of the War Production Board of the importation of molasses into the Continental United States at least fifteen (15) days prior to movement of the same from the place of origin. The following persons shall fill out and file with the Chemicals Branch of the War Production Board the forms set forth below at the times and in the manner prescribed in said forms:

Manufacturers (using molasses) of yeast, citric acid and edible sirup or molasses—Form PD-456,
Manufacturers (using molasses) of Alcohol—Form PD-457,
Producers, importers and primary distributors of molasses—Form PD-458.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Cong., as amended by Public Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4247; Filed, May 11, 1942; 11:47 a. m.]

[1] 7 F. R. 2384.

PART 1037—COCOANUT OIL, BABASSU OIL, PALM KERNEL OIL AND OTHER HIGH LAURIC ACID OILS

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER NO. M-60

Paragraph (b) (3) of § 1037.1 (*General Preference Order No. M-60*) [1] is hereby amended to read as follows:

(3) *Permitted uses for a limited period.*

(i) During March 1942 any person may use or consume high lauric acid oils in any manufacture, process or use in an amount not exceeding one hundred percent (100%) of one-twelfth of his use or consumption of such oils in such manufacture, process or use in 1941, and during each of the months April and May, 1942 any person may use or consume such oils in any manufacture, process or use in an amount not exceeding fifty percent (50%) of one-twelfth of his use and consumption of such oils in such manufacture, process or use in 1941.

(ii) During each of the months June and July, 1942 any person may use or consume high lauric acid oils in the manufacture of any edible product not exceeding fifty percent (50%) of his use or consumption of such oils in such manufacture during the corresponding month of 1941, and during each of the months August and September, 1942 any person may use or consume such oils in the manufacture of any edible product in an amount not exceeding twenty-five percent (25%) of his use and consumption of such oils in such manufacture during the corresponding month of 1941.

(iii) Any person may use or consume Tucum and Muru-muru oils in the manufacture of any edible product, without limitation as to the time of such use and, except as provided in paragraph (d) hereof, without limitation as to the quantity of such use.

(iv) Notwithstanding the provisions of subdivisions (i), (ii) and (iii) of this paragraph (b) (3), no person shall use or consume high lauric acid oils in the manufacture of any margarine, shortening or cooking fat.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4250; Filed, May 11, 1942; 11:47 a. m.]

PART 1147—COLLAPSIBLE TIN, TIN-COATED AND ALLOY TUBES

AMENDMENT NO. 1 OF CONSERVATION ORDER M-115

Subparagraph (4) of paragraph (d) of § 1147.1 (*Conservation Order M-115*) [2] is hereby amended to read as follows:

[1] F.R. 2185, 2500.
[2] 7 F.R. 2237.

(4) No retailer shall sell any Class III Tube to any ultimate purchaser unless such purchaser delivers to such retailer concurrently with his purchase one used tube of any kind for each tube delivered to such purchaser. All such tubes, together with any other used tubes held by retailers, shall be held by such retailers and shall not be disposed of by them except as follows:

(i) To the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, as agent for Metals Reserve Company;

(ii) To any wholesaler of products packed in tubes, who is a duly authorized representative of the Tin Salvage Institute as agent for the Metals Reserve Company; or

(iii) To any other person who is such a representative.

Such deliveries *may* be made by such retailers at any time and in any manner consented to by the person to whom delivery is to be made, and *shall* be made, upon demand of such person and at the expense of such person, in such manner and at such time as such person may request. No person (including, but not limited to, wholesalers of products packed in tubes and dealers in scrap metal and junk) shall sell or deliver any used tube of any kind to any person except those designated above.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4244; Filed, May 11, 1942; 11:46 a. m.]

PART 1205—ELECTROPLATING AND ANODIZING EQUIPMENT

GENERAL LIMITATION ORDER L-110

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain metals and materials, used in the production of electroplating and anodizing equipment, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1205.1 *General Limitation Order L-110*—(a) *Definitions.* For the purposes of this order:

(1) "Electroplating equipment" means any new equipment intended to be used in the process of depositing metal by means of a solution and an electric current, except equipment for electrolytic refining of metals. The term includes parts such as tanks to contain solution, linings for such tanks, anode and cathode rods, racks, bus bar, generators, rectifiers, panel boards, barrel-plating machines, semi-automatic plating machines, full

automatic plating machines, buffing lathes, and degreasers.

(2) "Anodizing equipment" means any new equipment intended to be used in the electrochemical treatment of the surface of any metal to produce a corrosion-resistant film on the surface thereof. The term includes parts such as tanks to contain solution, linings for tanks, anode and cathode rods, racks, bus bar, generators, rectifiers, and panel boards.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "Producer" means any person engaged in the production of electroplating equipment or anodizing equipment.

(5) "Distributor" means any person in the business of distributing electroplating equipment or anodizing equipment.

(b) *General restrictions.* (1) After the effective date of this order, no producer or distributor of electroplating equipment or anodizing equipment shall produce, accept any order for, or sell, otherwise transfer, or deliver and no person shall purchase, otherwise acquire or receive delivery of any electroplating equipment or anodizing equipment except pursuant to a preference rating of A–1–j or higher assigned on Form PD–1A and dated after the effective date of this order.

(2) The provisions of paragraph (b) (1) shall not apply to any specific article of electroplating or anodizing equipment, ordered from a producer or distributor prior to the effective date of this order, on which more than 50% of the estimated total man-hours required for its complete production has been expended prior to such effective date, provided that, within 15 days after such effective date, such article is 100% completed and shipped.

(c) *Criteria for issuing preference rating certificates.* In issuing ratings on preference rating certificates, the Director of Industry Operations will consider the following factors, to the extent feasible, among others:

(1) The number and capacity of electroplating and anodizing equipment facilities then available in the particular locality.

(2) The anticipated need for electroplating equipment and anodizing equipment in the particular locality.

(3) The existence of orders placed prior to the effective date of this order for electroplating equipment and anodizing equipment, and the amount of work done on such orders.

(d) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Applicability of other orders.* Insofar as any order issued or to be issued hereafter limits the use of any material in the production of electroplating equipment or anodizing equipment, as defined in paragraphs (a) (1) and (2) of this section, to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(3) *Records.* All persons affected by this order shall keep and preserve for not less than two years after the effective date of this order accurate and complete records concerning inventories, production, and sales.

(4) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance.

(6) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that compliance therewith would disrupt or impair any program of conversion from non-defense to defense work, or that compliance therewith would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, may apply for relief to the War Production Board by letter or other written communication, setting forth the pertinent facts and the reason or reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he may deem appropriate.

(7) *Communications.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L–110.

(8) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations, subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4249; Filed, May 11, 1942; 11:48 a. m.]

PART 1217—COCOA

CONSERVATION ORDER M–145

The uncertainty of shipments of cocoa beans from abroad and the fulfillment of requirements for the defense of the United States have created a shortage in the supply of cocoa beans for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1217.1 *Conservation Order M–145*—(a) *Applicability of Priorities Regulation No. 1.* This order, and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions.* For purposes of this order, "process" means subjecting cocoa beans to any grinding, pressing, or other processing operation.

(c) *General restrictions.* (1) Except as permitted in paragraph (c) (4), no person shall process more cocoa beans during any quota period than his quota for that period, such period and quota to be determined by the Director of Industry Operations from time to time.

(2) Any person who processes cocoa beans shall sell the products resulting from such processing equitably to purchasers and shall not favor purchasers who buy other products from him nor discriminate against purchasers who do not buy other products from him.

(3) Any person who has had, or has, cocoa beans owned by him processed for his account by some other person shall, for purposes of computing his quota and charges thereto, consider such cocoa beans as though processed by him.

(4) Notwithstanding the foregoing restrictions, any person may, without charge to his quota, process such amount of cocoa beans as may be necessary to provide him or any other person with material to fill actual orders with or for any of the following persons:

(i) The Army, the Navy, the Defense Supplies Corporation, Veterans Administration hospitals and homes, or any Agency of the United States Government for supplies to be delivered to, or for the account of, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) The American Red Cross or the United Service Organizations.

(iii) Any person for retail sale through concession restaurants at army or navy camps or through outlets not operating for private profit and established primarily for the use of army or navy enlisted personnel within army or navy establishments or on army or navy vessels, including post exchanges, sales commissaries, officers' messes, servicemen's clubs, and ship service stores.

(5) All quotas hereunder shall be calculated quantitatively in terms of pounds.

(d) *Reports.* Every person who processes cocoa beans hereafter shall execute and file with the War Production Board such reports and questionnaires as said Board may from time to time require.

(e) *Records.* Every person who processes cocoa beans shall keep and preserve, for a period of not less than two years, records which, upon examination, will

disclose his total monthly inventory of cocoa beans, the amount of cocoa beans processed each month, and his monthly use of the products resulting from such processing.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Applicability of order.* This order applies to all cocoa beans now in, or hereafter brought into, the continental United States (excluding the Canal Zone and Alaska).

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: M–145. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4245; Filed, May 11, 1942; 11:46 a. m.]

PART 1217—COCOA

SUPPLEMENTARY ORDER M–145–a[1]

§ 1217.2 *Supplementary Order M–145–a* Pursuant to Order M–145, which this order supplements, (a) the Director of Industry Operations hereby determines that the quota of cocoa beans for processing by any person shall be, for the period from the issuance date of this order through June 30, 1942, 50-90ths of 70% of the total amount of cocoa beans processed by him during the period from April 1, 1941 through June 30, 1941.

(b) Every person who processes cocoa beans and who, on May 1, 1942, had a total of 50,000 pounds or more of cocoa beans in his possession, under his control, and/or in transit to him in the continental United States shall report to the War Production Board on Form PD–473, stating the quantity of such cocoa beans and the amount of cocoa beans processed by him during each month of 1941. Such report shall be filed on or before June 1, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4246; Filed, May 11, 1942; 11:46 a. m.]

[1] See Conservation Order M–145 above.

PART 1224—PHOSPHATE ROCK

GENERAL INVENTORY ORDER M–149

§ 1224.1 *General Inventory Order M–149*—(a) *Exception to general inventory restrictions.* Notwithstanding the provisions of any regulation or order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board, or any other regulation or order which may hereafter be issued but which does not expressly relate to phosphate rock, any primary producer may make deliveries of phosphate rock, and any person may accept deliveries of phosphate rock from a primary producer, although the inventory of phosphate rock in the hands of a person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that the provisions of paragraph (a) of this section are inconsistent therewith, all transactions involving phosphate rock shall be subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time.

(c) *Definition.* "Primary producer" means a person who mines phosphate rock.

(d) *Effective date.* This order shall take effect at once and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4248; Filed, May 11, 1942; 11:47 a. m.]

Chapter XI—Office of Price Administration

PART 1337—RAYON

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 23,[1] AS AMENDED—RAYON GREY GOODS

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and filed with the Division of the Federal Register.

In § 1337.13 (a) (1), (a) (2), (a) (4) and (a) (7), respectively, certain fabric items should read as follows and § 1337.13 (b) (2) is amended to read as follows:

§ 1337.13 *Appendix A: Maximum prices for rayon grey goods.*

(a) * * *

[1] 7 F.R. 2899, 2368, 2945.

(1) TAFFETA

Fabric number and type	Width[1]	Ends and picks[1]	Warp[2]	Filling[2]	Price per yard (cents)
1—170	43½"	102 x 76	100V. (60 fil. or less)	100V. (60 fil. or less)	21
1—240	43½"	92 x 64	100A	120A	19¼
1—245	43½"	92 x 63	100A	120A	20¼

(2) TWILLS

2—195	37"	120 x 72	100A	120A	22½

(4) FLAT CREPES

4—20	45"	90 x 48	100A	100V. Crepe twist	24
4—30	45"	135 x 64	100A	100V. Crepe twist	29

(7) MARQUISETTES, NINONS, AND VOILES

7—30 Voile	45"	69 x 43	100A. Voile twist	100A. Voile twist	20¼

[1] Dash over width and dash over warp ends indicates width in inches in reed and ends per inch in loom reed, respectively.

[2] "A" indicates acetate, "V" indicates viscose.

(b) (1) * * *

(2) For any weave requiring 16 or more harnesses, a premium of 1½¢ per yard may be added to the basic plain construction.

* * * * *

§ 1337.12a *Effective dates of amendments.*

(a) * * *

(b) Amendment No. 2, (§§ 1337.13(a) (1), (a) (2), (a) (4), (a) (7), (b) (2)) to Revised Price Schedule No. 23, as amended, shall become effective May 12th, 1942.

(Pub. Law 241, 77th Cong.

Issued this 9th day of May, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4173; Filed, May 9, 1942; 10:21 a. m.]

PART 1340—FUEL

AMENDMENT NO. 11 TO REVISED PRICE SCHEDULE NO. 88 [1]—PETROLEUM AND PETROLEUM PRODUCTS

Kerosene in Virgin Islands

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1340.159 (c) (3) (iii), established by Amendment No. 9, is redesignated § 1340.159 (c) (3) (iv). § 1340.159 (c) (3) (iii), established by Amendment No. 6, is amended to read as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(iii) The maximum prices at the Virgin Islands of kerosene transshipped from Puerto Rico shall be 3 cents per gallon above the maximum prices established by § 1340.159 (b) (1) to (3), inclusive. This provision shall expire on July 6, 1942.

1340.158a *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§§ 1340.159 (c) (3) (iv), 1340.159 (c) (3) (iii)) to Revised Price Schedule No. 88 shall become effective May 8th, 1942. Until such time Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 11.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4171; Filed, May 8, 1942; 5:01 p. m.]

[1] 7 F.R. 1107, 1371, 1799, 1792, 1836, 2132, 2304, 2352, 2634, 2945.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

AMENDMENT NO. 2 TO MAXIMUM PRICE REGULATION NO. 129 [1]

Resale Book Matches Defined

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraph (a) (18) of § 1347.22 is amended to read as set forth below:

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the term:

* * * * *

(18) "Resale book matches" includes paper matches in books sold by a manufacturer for distribution to retailers.

§ 1347.25 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1347.22 (a) (13)) to Maximum Price Regulation No. 129 shall become effective May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4172; Filed, May 8, 1942; 5:02 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 7 TO RATIONING ORDER NO. 2A [2]—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

The preface to §§ 1360.372 and 1360.381 are amended, and new paragraphs (g) to § 1360.336 and (c) to § 1360.372 are added as set forth below:

Restriction of Transfers

* * * * *

§ 1360.336 *Removal of certain automobiles from the pool.*

* * * * *

(g) Automobiles with convertible, collapsible, folding or "soft" tops.

Persons Eligible to Acquire New Passenger Automobiles by Transfers with Certificates

* * * * * * *

§ 1360.372 *Eligibility classification.* When the conditions established in § 1360.371 and other applicable provisions of this Rationing Order No. 2A are fulfilled, certificates authorizing the transfer of new passenger automobiles may be granted to the following persons or to their employers for the use of such persons:

* * * * *

(c) The American Red Cross.

* * * * *

[1] 7 F.R. 3178, 3242.

[2] 7 F.R. 1642, 1647, 1756, 2108, 2242, 2305, 2903, 3097.

Applications by Federal Agencies and by the American Red Cross

§ 1360.381 *Applications; certificates.* All federal agencies, except those enumerated in § 1360.351, which are eligible to acquire a new passenger automobile under the provisions of §§ 1360.371 and 1360.372, and the American Red Cross shall make application on O.P.A. Form R-216 for a certificate authorizing such acquisition in the manner provided in paragraph (a) or (b) of this section:

(a) Any such applicant which hereafter authorizes the Procurement Division of the Treasury Department to acquire a new passenger automobile on its behalf shall file its application for a certificate on O.P.A. Form R-216 with the Procurement Division, for transmittal to the Office of Price Administration, Washington, D. C. If the Office of Price Administration finds the applicant to be eligible, it may issue and deliver to the Procurement Division a certificate on O.P.A. Form R-217 authorizing such acquisition.

(b) All other such applicants shall make application for a certificate on O.P.A. Form R-216 directly to the Office of Price Administration, Washington, D. C. If the Office of Price Administration finds the applicant to be eligible, it may issue to the applicant a certificate on O.P.A. Form R-217 authorizing such acquisition.

Certificates shall be issued hereunder subject to the quota established for that purpose unless such certificates are issued pursuant to § 1360.345.

Effective Dates

* * * * *

§ 1360.442 *Effective dates of amendments.*

* * * * *

(g) Amendment No. 7 (§§ 1360.336 (g), 1360.372, 1360.372 (c), and 1360.381) to Rationing Order No. 2A shall become effective May 12, 1942. (Pub. Law 421, 77th Cong. W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 9th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4174; Filed, May 9, 1942; 10:22 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

RATION ORDER NO. 5—EMERGENCY GASOLINE RATIONING REGULATIONS

DEFINITIONS

ADMINISTRATION AND PERSONNEL

RESTRICTIONS ON TRANSFER AND USE

GASOLINE RATION CARDS

ADJUSTMENTS, APPLICATIONS FOR SUPPLEMENTAL RATION AND APPEALS

OTHER APPLICABLE ORDERS

ENFORCEMENT

EFFECTIVE DATE

EMERGENCY GASOLINE RATIONING REGULATIONS

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board issued January 24, 1942 and by Supplementary Directive No. 1–H, issued May 11, 1942.

It is hereby ordered that:

AUTHORITY: §§ 1394.1 to 1394.60, inclusive issued under Pub. Law 421, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1–H, *supra*.

DEFINITIONS

§ 1394.1 *Definitions.* When used in this Ration Order No. 5:

(a) "Application site" means any place designated by the Office of Price Administration for the issuance of gasoline ration cards during the period from May 12, 1942 to May 14, 1942.

(b) "Board" means a Local Rationing Board.

(c) "Consumer" means any person acquiring gasoline for use and includes dealers, dealer outlets or suppliers to the extent that they use gasoline.

(d) "Dealer" means any person regularly engaged in the business of transferring gasoline directly to consumers.

(e) "Dealer outlet" means any service station, garage, place, or location regularly used for the transfer of gasoline directly to consumers.

(f) "Gallon" means a measure equal to 231 cubic inches.

(g) "Gasoline" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats by means of internal combustion engines and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(h) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline operated internal combustion engine other than an outboard motor.

(i) "Motor vehicle" means any self-propelled conveyance of a type built primarily for the purpose of transporting persons or property on public roads or highways and registered for such use, the motive power for which is furnished by a gasoline operated internal combustion engine, but does not include tractors used in the hauling or operation of farm equipment.

(j) "Non-highway use" means any use of gasoline other than for the propulsion of a motor vehicle or inboard motorboat.

(k) "Person" means any individual, partnership, association, business trust, corporation, government, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(l) "Rationed area" means the states of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia; the District of Columbia and the area within the corporate limits of the City of Bristol, Tennessee.

(m) "State" includes the District of Columbia.

(n) "Supplier" means any person regularly engaged in the business of transferring gasoline, directly or indirectly, to dealer or dealer outlets.

(o) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish; and a "bulk transfer" is any transfer of gasoline other than into the fuel tank of a motor vehicle or inboard motorboat.

(p) "Transfer to a consumer" shall include use by a dealer, dealer outlet or supplier, of any gasoline held for transfer.

(q) "Unit" means the space on a gasoline ration card marked "one unit" and also means the value in gallons of gasoline assigned to such space by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the type of gasoline ration card on which the space appears, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or inboard motorboat for which such card is used, or with respect to the area in which or time when the transfer of gasoline is made.

(r) Where the context so requires, words in the singular shall include the plural, and the masculine gender shall denote the feminine and neuter.

SCOPE OF RATION ORDER NO. 5

§ 1394.5 *Territorial limitations.* Except as otherwise expressly provided, Ration Order No. 5 shall apply only to the rationed area as defined in paragraph (l) of § 1394.1.

§ 1394.6 *Application of Ration Order No. 5.* Ration Order No. 5 shall not apply to transfers of gasoline to or for the account of:

(a) The Army, Navy, or Marine Corps of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the National Advisory Commission for Aeronautics, the Civil Aeronautics Authority, and the Office of Scientific Research and Development.

(b) Persons acquiring gasoline for export to and consumption or use in any foreign country.

§ 1394.7 *Effective period of Ration Order No. 5.* Ration Order No. 5 (§§ 1394.1 to 1394.60, inclusive) shall be effective for the period from May 12, 1942 to June 30, 1942, inclusive, and may be extended by the Office of Price Administration, in its discretion.

ADMINISTRATION AND PERSONNEL

§ 1394.11 *Personnel.* (a) Ration Order No. 5 shall be administered by the Office of Price Administration through its Local Rationing Boards, and such other administrative personnel as it may designate.

(b) The persons referred to in paragraph (a) of this section may be assisted during the registration period by the chief school officials of the several states, the city and county superintendents of schools, and by the persons who may be appointed to act as school site administrators and registrars. The school site administrators shall be appointed by the city or county school superintendent and the registrars shall be appointed by the school site administrators. The persons enumerated in this paragraph shall serve without compensation and shall be under the supervision of the persons enumerated in paragraph (a) of this section and of the persons who appointed them.

(c) No person participating in the administration of Ration Order No. 5 shall act officially in connection with any matter arising hereunder as to which he has any interest, by reason of business connection or relationship by blood or marriage.

§ 1394.12 *Powers and duties.* The persons appointed to administer or to assist in administering Ration Order No. 5 shall have such powers and duties as are provided herein and in any subsequent orders issued by the Office of Price Administration.

§ 1394.13 *Records confidential.* All records of the Office of Price Administration and of the Boards, relating to gasoline rationing shall be confidential and shall be subject to inspection, re-

moval or other disposition, only as provided herein or as the Office of Price Administration may, from time to time, order. The records shall, at all times, be available for inspection and use by the Department of Justice of the United States, in or out of court. Any person filing a record, or his agent, may examine the records so filed by him, if to do so does not interfere with the administration of Ration Order No. 5. Records may be subpoenaed in any criminal proceeding in which the defendant is the person named in such records or is the person alleged to be in collusion with the person named and the records may be subpoenaed in any other action or proceeding if the subpoena is served at least ten days before the return date and if the Office of Price Administration deems that the production of the records in answer to such subpoena is in the interest of national defense and security.

RESTRICTIONS ON TRANSFER AND USE

§ 1394.17 *Restriction on transfer to consumers.* (a) On and after May 15, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer, dealer outlet, or supplier shall transfer or offer to transfer gasoline to a consumer within the rationed area.

(b) On and after May 15, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no dealer, dealer outlet, or supplier shall transfer or offer to transfer gasoline to a consumer (and no consumer shall accept a transfer of gasoline) within the rationed area, except in accordance with the provisions of §§ 1394.18, 1394.19 and 1394.22 of Ration Order No. 5.

§ 1394.18 *Transfers into the fuel tanks of motor vehicles or inboard motor boats.* (a) Transfer may be made to the holder of a gasoline ration card Class A or B which bears uncancelled and undetached units at least equal in number to the units of gasoline transferred. Such transfer may be made only into the fuel tank of the particular motor vehicle or inboard motorboat identified on such card. At the time of transfer, the dealer, dealer outlet or supplier, or the transferee in his presence, shall punch, tear off, obliterate or otherwise clearly cancel one unit on such card for each unit or fraction of a unit of gasoline transferred.

(b) Transfer may be made, without restriction as to quantity, to the holder of a gasoline ration card Class X, upon exhibition of such card. Such transfer may be made only into the fuel tank of the motor vehicle or inboard motorboat identified on such card.

(c) Transfer may be made, without restriction as to quantity and without presentation of a card, into the fuel tank of a motor vehicle or inboard motorboat clearly identifiable as an unrestricted vehicle or boat. Only motor vehicles and inboard motorboats in the categories listed below shall be deemed clearly identifiable as unrestricted and shall qualify for transfer and acquisition of gasoline without presentation of a card:

(1) A motor vehicle or inboard motorboat especially equipped as an ambulance or hearse;

(2) A motor vehicle bearing a license plate, registration card or other designation, or an inboard motorboat bearing a number, certificate, document, or other designation, clearly indicating that it is in use by a Federal, State, local or foreign government or agency thereof;

(3) A motor vehicle clearly identifiable by its physical appearance or by its license plate or registration card as a truck, bus, jitney or taxicab, except that a station wagon shall not be deemed to be so identifiable by physical appearance alone;

(4) An inboard motorboat clearly identifiable by physical appearance or by its certificate or document, as a tug, ferry, harbor craft, lighter, freight-carrying, mail-carrying or sightseeing craft, or as used for dredging; or carrying a certificate or document identifying it as used for commercial fishing or piloting or as a public conveyance or carrier for hire;

(5) Any motor vehicle or inboard motorboat, if the occupant thereof exhibits an official military, naval or Federal or State governmental travel order, in effect at the time of the transfer, authorizing or directing travel by motor vehicle or inboard motorboat.

§ 1394.19 *Bulk transfers.* (a) Bulk transfer may be made to a consumer in a drum or other container or for delivery into a tank truck or storage tank maintained by such consumer, for supplying more than one motor vehicle or inboard motorboat: *Provided,* That such consumer signs a certificate on Form OPA R–511. Such consumer may accept such transfer only for use in, and only in quantities needed to supply, motor vehicles or inboard motorboats in the following categories:

(1) Motor vehicles or inboard motorboats as to which there is outstanding a gasoline ration card Class A or B, containing uncancelled units. Such consumer may then transfer the amount of gasoline so acquired only into the fuel tanks of such motor vehicles or inboard motorboats and only in accordance with and upon complying with the requirements of paragraph (a) of § 1394.18;

(2) Motor vehicles or inboard motorboats as to which a gasoline ration card Class X has been issued or which qualify for transfer of gasoline without presentation of gasoline ration card, pursuant to the provisions of paragraph (c) of § 1394.18.

(b) Bulk transfer may be made to a consumer for non-highway use by such consumer, without restriction as to quantity (except as provided in paragraph (c) of this section): *Provided,* That such consumer signs a certificate on Form OPA R–510. Such consumer shall state, in such certificate, the particular non-highway purpose for which such gasoline is needed and may thereafter use such gasoline only for the purpose stated.

(c) No bulk transfer may be made under this section to any consumer who is a "bulk consumer" within the meaning of Limitation Order L–70, as amended,[1] of the War Production Board, of an amount of gasoline in excess of that to which such bulk consumer would be entitled under the provisions of that Order.

§ 1394.20 *Filing of forms.* On or before July 7, 1942, every dealer, dealer outlet and supplier shall forward to the Board having jurisdiction over the area in which his place of business is located, all Forms OPA R–510 and OPA R–511 received by him between May 15, 1942, and June 30, 1942, inclusive.

§ 1394.21 *Restrictions on use.* No consumer may use gasoline, if such gasoline was transferred to him on or after May 15, 1942, except in the vehicle or boat or for the particular non-highway purpose for which it was acquired.

§ 1394.22 *Exceptions.* (a) Nothing herein shall be deemed to forbid the transfer of gasoline actually in the fuel tank of a vehicle or boat, in conjunction with a lawful transfer of such vehicle or boat itself, nor a bulk transfer of gasoline actually in a storage tank maintained as part of an enterprise or establishment, in conjunction with a lawful transfer of such enterprise or establishment itself.

(b) The provisions of paragraphs (a), (b) and (c) of § 1394.18 requiring transfer directly into the fuel tank of a motor vehicle or inboard motorboat, shall not be deemed to forbid a bulk transfer under the following circumstances:

(1) Bulk transfer may be made to a consumer operating a motor vehicle or inboard motorboat stranded for lack of fuel, and such consumer may accept a bulk transfer, upon presentation of a gasoline ration Card Class A or B containing one or more uncancelled units, or a gasoline ration card Class X, issued with respect to such vehicle or boat; or upon presentation of a registration card or registration certificate for such motor vehicle (or certificate or document for such boat) from which such vehicle (or boat) may be clearly identified as one to which transfer may be made, under the provisions of paragraph (c) of § 1394.18, without presentation of a gasoline ration card: *Provided,* That such bulk transfer against a Class A or B card shall be in an amount not exceeding one unit of gasoline: *And, provided further,* That a unit on such card shall be cancelled, at the time of such bulk transfer, in the manner required by paragraph (a) of § 1394.18.

(2) Bulk transfer may be made to a consumer operating an inboard motorboat, and such consumer may accept such bulk transfer, if there are no supplier, dealer or dealer outlet facilities on the waters in the vicinity where such boat is operated: *Provided,* That such bulk transfer may be made only against a gasoline ration card Class A or B containing uncancelled units, or a gasoline ration card Class X, issued with respect to such boat: *And, provided further,* That one or more units on such gasoline ration card Class A or B shall be cancelled, at the

[1] 7 F.R. 2103; 2722.

time of such transfer in the manner required by paragraph (a) of § 1394.18.

(c) Notwithstanding any other provision of Ration Order No. 5 any person may transfer gasoline, without presentation of a card, for use in a motor vehicle or inboard motorboat if, at the time of such transfer:

(1) such vehicle or boat is actually engaged in civilian defense activities while the area is under martial law, enemy attack, or immediate threat of enemy attack, or is in actual use for official civilian defense practice or drill; or

(2) such vehicle or boat is actually engaged in rescue activity or in meeting an acute emergency involving life, health or property.

§ 1394.23 *Discrimination among consumers.* No dealer, dealer outlet or supplier shall discriminate, in the transfer of gasoline, among consumers lawfully entitled to acquire gasoline pursuant to Ration Order No. 5.

§ 1394.24 *Transfers outside of the rationed area.* (a) On and after May 15, 1942, and notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person shall, outside of the rationed area, transfer or offer to transfer gasoline to a consumer for use in a motor vehicle registered in, or an inboard motorboat customarily used in, a state in the rationed area the border of which is within fifty (50) miles by nearest route of the place of transfer, except in accordance with and upon compliance with the provisions of §§ 1394.18, 1394.19 (a) and (c) or 1394.22, *except that:*

(1) In the case of a motor vehicle registered in, or inboard motorboat customarily used in the State of Florida, this section shall apply only if such registration (or customary use) is in a county (or part of a county) east of the Apalachicola River; in such case, the fifty (50) mile distance referred to above shall be measured from the nearest bank of the Apalachicola River within the State of Florida, rather than from the border of said state.

(2) In the case of a motor vehicle bearing a Sullivan County, Tennessee, registration, this section shall apply only if the registration card of such motor vehicle shows that the owner thereof resides in the City of Bristol, Tennessee; in such case, the fifty (50) mile distance referred to above shall be measured from the corporate limits of the City of Bristol, Tennessee, rather than from the border of said state.

(3) This section shall not apply to transfers for use in any inboard motorboat registered in or customarily used in any part of the State of Tennessee.

§ 1394.25 *Transfers for racing or exhibition use.* From and after May 15, 1942 and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall transfer or offer to transfer gasoline to a consumer (and no consumer shall accept a transfer of gasoline) for the operation of any vehicle or inboard or outboard motorboat in exhibitions or races for public entertainment or prizes.

GASOLINE RATION CARDS

§ 1394.28 *Form and use of gasoline ration cards.* (a) Gasoline ration cards of all types shall be used and honored only in connection with the motor vehicle or inboard motorboat identified thereon and no detached or cancelled unit of a Class A or B card shall be valid as an authorization of transfer of gasoline.

(b) Every gasoline ration card issued for a motor vehicle or registered inboard motorboat, shall clearly identify, by registration number, the motor vehicle or inboard motorboat for which it has been issued and may be used. In the case of an unregistered inboard motorboat the gasoline ration card shall indicate that it has been issued for a boat and not a motor vehicle and shall contain such other identification of the boat as may be feasible. Every card shall bear the signature of the person to whom or on whose behalf it is issued, and shall not be valid without such signature.

(c) Each Class A card shall authorize the transfer and acquisition of seven (7) units of gasoline during the period from May 15, 1942, to June 30, 1942, inclusive.

(d) Each Class B card shall authorize the transfer and acquisition, during the period from May 15, 1942, to June 30, 1942, inclusive, of the following number of units of gasoline:

(1) Class B1: eleven (11) units.
(2) Class B2: fifteen (15) units.
(3) Class B3: nineteen (19) units.

(e) Each Class X card shall authorize the transfer and acquisition, during the period from May 15, 1942, to June 30, 1942, inclusive, of the quantity of gasoline needed for the motor vehicle or inboard motorboat with respect to which it is issued. Such quantity shall not be restricted.

§ 1394.29 *Application for gasoline ration cards.* Application for a gasoline ration card shall be made during the period from May 12, 1942, to May 14, 1942, inclusive, at any designated application site. Such application may be made by an agent on behalf of the applicant. On or after May 15, 1942, such application shall be made to a Local Rationing Board.

§ 1394.30 *Issuance of Class A cards.* (a) The registered owner or the person entitled to possession of any motor vehicle shall be entitled to obtain a Class A card by presenting the currently valid registration card or registration certificate identifying such vehicle. A Class A card shall be issued to him upon such presentation. A person holding motor vehicles for sale or resale may obtain a Class A card for each currently valid "dealer" registration plate owned by him.

(b) The registered owner or the person entitled to possession of an inboard motorboat may obtain a Class A card by making application on Form OPA R-503 and supplying the information required by such Form. At the time of applying for the card, the applicant shall present the certificate or document (if any) of such inboard motorboat.

§ 1394.31 *Issuance of Class B cards.* (a) The registered owner or the person entitled to possession of any motor vehicle (other than a two or three wheeled vehicle) which is customarily driven in the rationed area, in the pursuit of, or to or from, a gainful occupation, an average daily mileage in excess of that provided by a Class A card, as shown in the following schedule, may obtain, *in lieu of a Class A card,* a Class B card of the type indicated in the following schedule, in accordance with the value of the unit at the time of issuance:

SCHEDULE SHOWING CLASS OF CARD TO BE ISSUED WHERE APPLICATION IS MADE UNDER § 1394.31

When average daily mileage driven is—	When unit value in gallons is—								
	2	2½	3	3½	4	4½	5	5½	6
Up to 4.5	A	A	A	A	A	A	A	A	A
4½ or more but less than 5	B1	A	A	A	A	A	A	A	A
5 or more but less than 6	B1	B1	A	A	A	A	A	A	A
6 or more but less than 7	B1	B1	B1	A	A	A	A	A	A
7 or more but less than 8	B2	B1	B1	B1	A	A	A	A	A
8 or more but less than 9	B2	B2	B1	B1	A	A	A	A	A
9 or more but less than 10	B3	B2	B1	B1	B1	A	A	A	A
10 or more but less than 11	B3	B2	B2	B1	B1	B1	A	A	A
11 or more but less than 12	B3	B2	B2	B1	B1	B1	B1	A	A
12 or more but less than 13	B3	B3	B2	B2	B1	B1	B1	B1	A
13 or more but less than 14	B3	B3	B2	B2	B1	B1	B1	B1	B1
14 or more but less than 15	B3	B3	B3	B2	B2	B1	B1	B1	B1
15 or more but less than 16	B3	B3	B3	B2	B2	B2	B1	B1	B1
16 or more but less than 17	B3	B3	B3	B3	B2	B2	B1	B1	B1
17 or more but less than 18	B3	B3	B3	B3	B2	B2	B2	B1	B1
18 or more but less than 19	B3	B3	B3	B3	B2	B2	B2	B1	B1
19 or more but less than 20	B3	B3	B3	B3	B3	B2	B2	B2	B1
20 or more but less than 21	B3	B3	B3	B3	B3	B2	B2	B2	B1
21 or more but less than 22	B3	B3	B3	B3	B3	B3	B2	B2	B2
22 or more but less than 23	B3	B3	B3	B3	B3	B3	B2	B2	B2
23 or more but less than 24	B3	B3	B3	B3	B3	B3	B2	B2	B2
24 or more but less than 25	B3	B3	B3	B3	B3	B3	B3	B2	B2
25 or more but less than 26	B3	B3	B3	B3	B3	B3	B3	B2	B2
26 or more but less than 27	B3	B3	B3	B3	B3	B3	B3	B3	B2
27 or more but less than 28	B3	B3	B3	B3	B3	B3	B3	B3	B2
28 or more but less than 29	B3	B3	B3	B3	B3	B3	B3	B3	B3
29 or more but less than 30	B3	B3	B3	B3	B3	B3	B3	B3	B3
30 and over	B3	B3	B3	B3	B3	B3	B3	B3	B3

(b) Application for a Class B card shall be made on Form OPA R-506 and the applicant shall furnish the information required by such Form. At the time of applying for a Class B card, the applicant shall present the registration card

or registration certificate identifying the motor vehicle for which the application is made.

(c) In determining the average mileage per day which a motor vehicle registered in the rationed area is customarily driven in the rationed area, for the purposes of this section, the applicant may include any mileage customarily driven, in the pursuit of or to or from a gainful occupation, outside of the rationed area but within fifty (50) miles by nearest route of any border of the state in which such motor vehicle is registered, *except that:*

(1) In the case of a motor vehicle registered in Sullivan County, Tennessee, owned by a resident of Bristol, Tennessee, the applicant may include mileage driven outside of the rationed area within a radius of fifty (50) miles of the City of Bristol.

(2) In the case of a motor vehicle registered in a county (or part of a county) in the State of Florida, which is east of the Apalachicola River, the applicant may include mileage driven outside of the rationed area but within fifty (50) miles of that part of the Apalachicola River which lies in Florida.

(d) No Class B card shall be issued with respect to an inboard motorboat, except in accordance with the provisions of § 1394.43 of Ration Order No. 5.

§ 1394.32 *Issuance of Class X cards.* (a) The registered owner or the person entitled to possession of a motor vehicle or inboard motorboat may obtain a Class X card, *in lieu of a card of any other class,* if all or substantially all of the use to which such vehicle or boat is customarily put is in one or more of the following categories:

(1) As an ambulance or hearse;

(2) As a taxi, bus, jitney, ferry or other public conveyance for hire, or as a vehicle or boat available for public rental;

(3) By a regularly practicing minister of a religious faith, in the performance of religious duties in meeting the religious needs of the congregation served;

(4) By a duly licensed physician, surgeon, nurse, osteopath, chiropractor or veterinarian, in making professional calls and rendering medical, nursing, professional or veterinary services;

(5) For the official business of Federal, State, local or foreign governments or government agencies;

(6) For trucking, hauling, towing, freight-carrying, delivery, or messenger service;

(7) For the transportation of materials and equipment for construction or for mechanical, electrical, structural or highway maintenance or repair services; or for the transportation of work crews to enable them to render such services;

(8) For dredging, or for fishing, guiding, trapping, lumbering or sightseeing as a means of earning a livelihood, in the case of an inboard motorboat.

(b) Application for a Class X card shall be made on Form OPA R-507, in the case of a motor vehicle, or on Form OPA R-508, in the case of an inboard motorboat. At the time of applying for a Class X card, the applicant shall present the registration card or registration certificate of the motor vehicle, or the certificate or document (if any) of the inboard motorboat for which the application is made.

§ 1394.33 *Filing of applications.* (a) All applications for gasoline ration cards (other than Class A cards for motor vehicles) submitted at an application site shall, when passed upon, be turned over by the school site administrator to the Board having jurisdiction over the area in which such application site is located.

(b) Each Board shall maintain a complete file of all applications for gasoline ration cards (other than Class A cards for motor vehicles) made in the area over which it has jurisdiction.

§ 1394.34 *Transfer without card.* Nothing in § 1394.32 shall be construed to require the presentation or exhibition of a Class X card as a condition of transfer of gasoline in accordance with the provisions of paragraph (c) of § 1394.18.

§ 1394.35 *Notations.* At the time of issuance of any gasoline ration card, the person issuing such card shall make a clear notation, in ink, by typewriter or in indelible pencil, in a conspicuous place on the back of the registration card or registration certificate (or, in the case of an inboard motorboat, on the certificate or document, if any) presented by the applicant, showing the class and serial number of the ration card issued. No person shall issue or receive more than one gasoline ration card for any motor vehicle or inboard motorboat, except as hereinafter in §§ 1394.41 to 1394.46, inclusive, provided.

§ 1394.36 *Change of ownership or use.* Upon cessation of use or change in ownership or registration of any motor vehicle or inboard motorboat for which a gasoline ration card has been issued, such card shall forthwith be destroyed by the holder thereof. Any transferee of such vehicle or boat may apply for a gasoline ration card pursuant to the provisions of § 1394.41.

§ 1394.37 *Transfer and use of cards.* No gasoline ration card may be transferred or assigned; such card may, however, be used by anyone in connection with the vehicle or boat with respect to which it was issued, so long as there is no change in ownership or registration of such vehicle or boat and, in the case of a Class X card, so long as all or substantially all of such use is for one of the purposes for which such card was issued.

ADJUSTMENTS, APPLICATIONS FOR SUPPLEMENTAL RATION AND APPEALS

§ 1394.41 *Issuance of cards to late applicants.* (a) Any person who fails to apply for a gasoline ration card during the period from May 12, 1942, to May 14, 1942 and who wishes to obtain such card, may do so by making application therefor at any Local Rationing Board in the rationed area. Such application shall be made in the manner provided by §§ 1394.30 to 1394.32, inclusive, of Ration Order No. 5.

(b) The Board shall examine the registration card or registration certificate (or, in the case of an application with respect to an inboard motorboat, the certificate or document, if any) presented by the applicant. If it finds that no gasoline ration card has previously been issued to the applicant and that no application for any such card has previously been made by him, it shall issue a gasoline ration card to him in accordance with the provisions of §§ 1394.30 to 1394.32, inclusive, *except that:*

(1) If the applicant is entitled to a Class A card only, one unit shall be removed from such card for each six (6) day period (or part thereof) between May 15, 1942 and the date of issuance:

(2) If the applicant is found to be entitled to a Class B 1 card, one unit on such card shall be removed for each four (4) day period (or part thereof) between May 15, 1942 and the date of issuance;

(3) If the applicant is found to be entitled to a Class B 2 card, one unit on such card shall be removed for each three (3) day period (or part thereof) between May 15, 1942 and the date of issuance;

(4) If the applicant is found to be entitled to a Class B 3 card, three (3) units on such card shall be removed for each full seven (7) day period between May 15, 1942 and the date of issuance.

§ 1394.42 *Adjustment of errors made by registrars.* (a) Any person who claims that a gasoline ration card was improperly denied to him by a registrar at an application site or who claims that the card issued to him by such registrar is of a different class from that to which he is entitled under Ration Order No. 5 and pursuant to his application, may apply for an adjustment. Such application shall be made by appearing before and requesting adjustment by the Local Rationing Board (or any designated official thereof) having jurisdiction over the application site at which the error is claimed to have been made.

(b) If the applicant claims that the card issued to him is of a different class or unit value from that to which he is entitled, the Board shall obtain and examine the application originally made by the applicant at the application site. If for any reason it cannot obtain the application originally made, the Board shall require the applicant to prepare a duplicate of the application originally made and to swear to or affirm the fact that it is an exact duplicate of such application. If it determines that, on the basis of such application and under the provisions of §§ 1394.30 to 1394.32, inclusive, of Ration Order No. 5, a card of a different class should have been issued to the applicant, it shall rectify the error by issuing the proper card. In such event, it shall require the applicant to surrender the card originally issued and it shall cancel the number of units on the new card equivalent to the number of gallons of gasoline acquired on said original card.

(c) If the applicant claims that a gasoline ration card was improperly denied to him:

(1) The Board shall examine the application originally made by him at the application site and shall issue such card

as it determines that the applicant is entitled to receive pursuant to the provisions of §§ 1394.30 to 1394.32, inclusive, of Ration Order No. 5; or

(2) If the applicant complains of a denial of a Class A card for a motor vehicle, for which no written application is required, he shall present his registration card or registration certificate for examination by the Board and shall submit an affidavit or affirmation stating that he applied for a Class A card and identifying the application site at which he so applied. The Board shall, in such case, issue a Class A card to the applicant if it finds that such card was improperly denied to him at the application site.

§ 1394.43 *Applications for supplemental ration.* (a) Any person to whom a gasoline ration card has been issued, who finds that the ration provided thereunder is insufficient to permit use of the motor vehicle or inboard motorboat to an extent which is essential to the life or to the pursuit of the gainful occupation of a person who needs the use of such vehicle or boat, may apply for a supplemental ration. Application may be made, on Form OPA R–512, to any Board in the rationed area. A supplemental ration shall be deemed essential to life if transportation by motor vehicle or inboard motorboat is required in order to obtain medical attention or therapeutic treatment, or in order to procure food or supplies, or because physical disabilities render other means of transportation impossible or hazardous.

(b) The applicant shall state on Form OPA R–512, under oath or on affirmation, in addition to such other information as may be required:

(1) The facts by reason of which his present ration is claimed to be insufficient;

(2) The facts which support his claim that an additional ration is essential to life or to the pursuit of a gainful occupation;

(3) The alternative means of transportation, including "doubling-up", which are available to him and the reasons, if any, why such alternative means are not reasonably adequate;

(4) The number of miles of driving in the rationed area from the date of the application through June 30, 1942, claimed to be essential.

If the applicant is an employee and claims that a supplemental ration is essential to enable him to carry on his work, the application must be verified by his employer or by an authorized representative of his employer. Every applicant shall also write in, at the top of his application, a description of the precise nature of his work.

(c) The board may, in its discretion, require the applicant to furnish any additional information which it deems pertinent to his application. It may also require him to appear before it for further inquiry and to produce such witnesses or other testimony or proof as it may deem necessary.

(d) The Board shall grant a supplemental ration only if it finds that such supplemental ration is essential to life or to the pursuit of a gainful occupation and that no reasonably adequate alternative means of transportation are available. In determining whether alternative means of transportation are available, the Board shall consider whether the applicant can meet his essential needs by using any reasonably available and adequate existing public transportation facilities, whether other vehicles or boats are owned by him or available for his use, and whether he has exhausted his opportunities, if any, to "double-up" with the owner of another motor vehicle or inboard motorboat. It may also consider such other factors as it may deem material.

(e) If the Board grants the application, it shall determine the quantity of gasoline (over and above that available to the applicant under his existing gasoline ration card if any), which is essential to the applicant from the date of its decision through June 30, 1942. It shall then issue to the applicant B–1, B–2, or B–3 cards, or any combination of them, in sufficient number to allow to the applicant the quantity of gasoline determined to be essential, on the basis of the then gallonage value of a unit. It shall cancel any units on such cards, when issued, in excess of the number representing the gallonage which it decides to allot in accordance with the provisions of this paragraph

(f) The requirement that the applicant describe and establish the inadequacy of alternative means of transportation available to him shall not apply to an application made by a dealer in motor vehicles or inboard motorboats, if the supplemental ration is sought for the purpose of enabling such dealer to demonstrate to prospective purchasers motor vehicles or inboard motorboats which he holds for sale or resale.

§ 1394.44 *Lost or destroyed ration cards.* (a) The owner of a gasoline ration card which has been lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, may apply for a new card to replace the one so lost or destroyed. Such application may be made, on Form OPA R–509, to any Board in the rationed area.

(b) The application on Form OPA R–509 shall be made under oath or on affirmation, and, in addition to such other information as may be required, shall identify the gasoline ration card sought to be replaced and shall state the number of units on such card which were cancelled prior to its loss or destruction. If the Board finds the facts stated to be true, it may, in its discretion, issue a card of the same type as the one sought to be replaced, after removing from the new card units equal in number to those determined to have been cancelled on the original card.

§ 1394.45 *Action on Local Board applications.* (a) The Board shall render its decision on an application made pursuant to the provisions of §§ 1394.41, 1394.42, 1394.43 or 1394.44 within five (5) days after the date of such application; in any case of apparent emergency, such decision shall be made within twenty-four (24) hours, if possible. The Board shall promptly notify the applicant of its decision. Where a number of applications pursuant to §§ 1394.41, 1394.42, 1394.43 and 1394.44, inclusive, are pending before the Board, it shall pass first on those made by persons engaged in work related to production at a factory, plant or other establishment manufacturing or producing war material, equipment, supplies, or machinery.

(b) The Board shall keep a full and complete written record of applications made pursuant to §§ 1394.41 to 1394.44, inclusive, and of its action thereon.

§ 1394.46 *Appeals from decisions of local boards.* (a) Any applicant may appeal to the State Director from an adverse decision of the Board by filing with the Board a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than five days after notice of the decision. Within three days after receipt of the statement, the Board shall send it to the State Director together with its entire record on the application.

(b) The State Director may request the applicant to appear or to furnish such additional information as he may deem pertinent. The State Director shall render his decision on appeal within five (5) days after receipt of the statement, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall pass first on appeals by persons engaged in the work described in paragraph (a) of § 1394.45. He shall promptly notify the applicant and the Board, in writing, of his decision.

OTHER APPLICABLE ORDERS

§ 1394.50 *Effect of other government orders.* Nothing in Ration Order No. 5 shall be deemed to authorize a use of a motor vehicle or inboard motorboat in contravention of the provisions of any order issued by the Office of Defense Transportation or of any other applicable government order, regulation, or statute.

ENFORCEMENT

§ 1394.54 *Unlawful transfer or use.* No person shall transfer, offer to transfer, accept a transfer of, or use gasoline, where such transfer, offer, acceptance of transfer, or use is in violation of Ration Order No. 5.

§ 1394.55 *Criminal prosecutions.* (a) Any person who shall knowingly and wilfully falsify an application, certificate or any record included within the terms of Ration Order No. 5, or who shall otherwise knowingly furnish false information to a registrar, a Board, or any other agent, employee or officer of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 5 or amendment thereof, may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both.

§ 1394.56 *Cancellation of privileges, denial of materials, and requisition and reallocation of gasoline.* (a) Gasoline transferred in violation of Ration Order No. 5 shall be subject to requisition, reallocation and distribution by the appropriate officers or agents of the United States.

(b) Any dealer, dealer outlet or supplier who has violated Ration Order No. 5 may be prohibited either permanently, or for such time and subject to such conditions as may be deemed appropriate, from selling, transferring or otherwise disposing of any product subject to this or any other Ration Order, now or hereafter promulgated by the Office of Price Administration.

EFFECTIVE DATE

§ 1394.60 *Effective date.* Ration Order No. 5 (§§ 1394.1, 1394.5 to 1394.7, 1394.11 to 1394.13, 1394.17 to 1394.25, 1394.28 to 1394.37, 1394.41 to 1394.46, 1394.50, 1394.54 to 1394.56, and 1394.60, inclusive), shall become effective May 12, 1942.

Issued this 11th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4251; Filed, May 11, 1942; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

AMENDMENT NO. 1 TO SUPPLEMENTARY REGULATION NO. 1—EXCEPTIONS FOR CERTAIN COMMODITIES, CERTAIN SALES AND DELIVERIES, AND CERTAIN SERVICES

The Price Administrator, pursuant to authority contained in the Emergency Price Control Act of 1942, has determined that in order to effectuate the purposes of that Act certain commodities should be excepted from the General Maximum Price Regulation. Sections 1499.9 (a) (16) and (b) (9) of the General Maximum Price Regulation [1] provide that the Price Administrator may, by supplementary regulation, except from the operation of the General Regulation commodities and sales or deliveries thereof in addition to those set forth in that section. Section 1499.10 (j) provides for the exception of services in addition to those listed therein. A Statement of the Considerations involved in the issuance of this Amendment No. 1 to Supplementary Regulation No. 1, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in that Statement, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and pursuant to §§ 1499.9 (a) (16), (b) (9) and 1499.10 (j) of the General Maximum Price Regulation, Supplementary Regulation No. 1 [2] is hereby amended to read as follows:

§ 1499.26 *Supplementary Regulation No. 1.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(1) Waste materials including but not limited to metal, paper, cloth, and rubber scrap: *Provided,* That no waste materials, other than those enumerated in subparagraph (2) of this paragraph, sold to an industrial consumer shall be excepted from the General Maximum Price Regulation.

(2) All zinc scrap materials, except those covered by Revised Price Schedule No. 3,[3] including, but not limited to, zinc skimmings, zinc ashes, sal skimmings, and flue dust; all lead scrap materials, except those covered by Revised Price Schedule No. 70,[4] including, but not limited to, lead drosses, lead slags, lead ashes, and lead sludges; residues of tin, solder, babbitt, and type material including, but not limited to, drosses, scruffs, acidy drosses, fumes, sludges, and slags.

(3) Any machine or part (as defined in the Maximum Price Regulation covering Machines and Parts) for which the manufacturer had no established price in effect on October 1, 1941, and which is manufactured, pursuant to order, for incorporation in a product manufactured by the buyer. (Any such machine or part, however, to which reference is made in Appendix A of the Maximum Price Regulation covering Machines and Parts is subject to such Regulation.)

(4) Antimony ores and concentrates.

(5) Instrument jewel bearings.

(6) Imported silk wastes.

(7) Cotton mill wastes.

(8) Green coffee sold in Puerto Rico;

(9) Copper scrap or copper alloy scrap sold, delivered or transferred to a foundry by a person owning, operating or maintaining rolling stock: *Provided,* That:

(i) The copper scrap and copper alloy scrap results from such person's use or processing of castings or other articles of the type produced by the foundry;

(ii) The foundry converts such copper scrap and copper alloy scrap into castings or other articles of the type from which the scrap resulted; and

(iii) Such person delivers the scrap to the foundry and the foundry returns an equivalent amount of castings or other articles of the type from which the scrap resulted in accordance with the terms of a written agreement approved by the War Production Board.

(10) Ground grain feed.

(11) Hog cholera virus and anti-hog cholera serum.

(12) Block mica of strategic grades, and fabricated mica produced therefrom.

(13) Diamond dies smaller than .002 inches in diameter.

(14) Appalachian hardwood lumber, provided that this exception shall be effective only up to and including May 18, 1942.

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries:

(1) By persons engaged solely in reconditioning and selling damaged commodities received from insurance companies, transportation companies or agents of the United States Government provided such persons have registered with and have been approved by the Office of Price Administration as engaged solely in such business.

(c) The provisions of the General Maximum Price Regulation shall not apply to the following service:

(1) Any work, on material furnished by a customer, performed on any machine used for the cutting, abrading, shaping, forming, or joining of any metal or plastic. (Any such material, which, after machining constitutes a machine or part to which reference is made in Appendix A of the Maximum Price Regulation covering Machines and Parts is subject to such Regulation.)

(2) Dry cleaning services sold other than to the person owning the commodity upon which the service is rendered, by any dry cleaning establishment, up to but not including July 1, 1942; except that the provisions of section 11 (a) of the General Maximum Price Regulation shall apply to any such establishment in accordance with the terms of such regulation.

(d) Definitions:

(1) When used in this Supplementary Regulation No. 1, the term:

(i) "Cotton mill waste" means all cotton waste produced in the process of converting raw cotton into yarn and yarn into cloth, except jute bagging removed from cotton bales, and except any kind of scrap burlap or bagging;

(ii) "Industrial consumer" means any person who processes any scrap material otherwise than by sorting, cleaning, baling, compressing, or reducing in size by any means: *Provided, however,* That any person cleaning and reselling cloth scrap for use as wiping rags or waste shall be considered an industrial consumer.

(iii) "Ground grain feeds" means whole grains and seeds which are ground only for the purpose of feeding animals. In this definition "ground" means pulverizing, cracking, crushing and other milling processes to prepare the whole grains and seeds for use as animal feeds.

(iv) "Mica of strategic grades" means mica of a quality better than heavy stained as defined in Conservation Order No. M-101 [5] issued by the War Production Board on March 6, 1942. "Block mica" means block mica as defined in that Order.

(v) "Serum" and "virus" means any anti-hog cholera serum and hog cholera virus respectively, products used in the immunization of swine against hog cholera, manufactured and marketed in compliance with standards and regulations, promulgated by the United States Department of Agriculture, and serum and virus manufactured in a similar manner and for an identical purpose under license or authority of any State or otherwise, and marketed in interstate and foreign commerce or so as directly to burden, ob-

[1] 7 F.R. 3153.
[2] 7 F.R. 3158.
[3] 7 F.R. 1205, 1836, 2132.
[4] 7 F.R. 1341, 1836, 2000, 2132, 2188, 2542.
[5] 7 F.R. 1754.

struct, or affect interstate or foreign commerce.

(vi) "Appalachian hardwood lumber" means lumber produced from the botanical species of yellow poplar (Liriodendron tulipifera), tough white ash (Fraxinusamericana), beech (Fagus americana), soft maple (Acer rubrum), butternut (Juglaus cinerea), chestnut (Castanea dentala), hard maple (Acer saccharum) and the botanical species included in the genera of red oak and white oak (Quercus), hickory (Hicoria), basswood (Tilia), birch (Betula), buckeye (Aesculus), and cherry (Prunus), and processed into lumber at mills located within the Appalachian hardwood area as defined in § 1312.307 (c) (2) of Revised Price Schedule No. 97.[6]

For the purposes of this exception to the General Maximum Price Regulation, the term, "Appalachian hardwood lumber" shall include all items of lumber in the species enumerated above, except the following items:

Glued stock.
Moulding.
Shiplap.
Risers, step treads, thresholds, handrails.
Bevel and drop siding.
Flooring.
Switch, cross, and mine ties.
Mine material.
Small dimension stock.
Lath.

(2) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) Effective dates. (1) This Supplementary Regulation No. 1 (§ 1499.26) shall become effective May 11, 1942.

(2) Amendment No. 1 (§ 1499.26) to Supplementary Regulation No. 1 (§ 1499.26) shall become effective May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4209; Filed, May 9, 1942; 1:22 p.m.]

PART 1499—COMMODITIES AND SERVICES

SUPPLEMENTARY REGULATION NO. 2 TO GENERAL MAXIMUM PRICE REGULATION—POSTPONEMENT OF EFFECTIVE DATE

A statement of the considerations involved in the issuance of Supplementary Regulation No. 2 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in that statement, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to §§ 1499.9 (a) (16), 1499.9 (b) (8) and (9), and 1499.10 (j) of the General Maximum Price Regulation,[1] Supplementary Regulation No. 2 is hereby issued.

[1] 7 F.R. 3153.
[6] 7 F.R. 1389, 1675.

§ 1499.27 *Postponement of effective date for government contracts, machines and parts, and machine work.* (a) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a),[2] shall not apply:

(1) Until May 18, 1942, to contracts with the United States or any agency thereof;

(2) Until June 15, 1942, to deliveries under contracts with the United States or any agency thereof entered into prior to May 18, 1942;

(3) To any sale or delivery of any machine or part as defined in § 1390.13 (a) (1) of Maximum Price Regulation No. 136;[3] or

(4) To any work on material furnished by a customer, such as cutting, abrading, shaping, forming, piercing, joining, plating, painting, enameling, japanning, galvanizing or heat treating, if such material after machining constitutes a machine or part as defined in § 1390.13 (a) (1) of Maximum Price Regulation No. 136.

(b) Supplementary Regulation No. 2 (§ 1499.27) to the General Maximum Price Regulation shall become effective May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4208; Filed, May 9, 1942; 1:21 p. m.]

PART 1309—COPPER

REVISED PRICE SCHEDULE NO. 20, AS AMENDED—COPPER SCRAP AND COPPER ALLOY SCRAP

A misprint occurred in § 1309.71 (e) (2) (i) which appeared in the first column on page 3408 of the issue for May 7, 1942. The complete text is as follows:

"(i) There must first be deducted from the total weight of the shipment, the weight of (*a*) all material in a lot containing 10% or more rejections, and (*b*) all containers, dunnage, and other tare, and (*c*) all insulation or lead covering on insulated copper wire and cable or lead-covered copper wire and cable, and (*d*) all rejections which are not either copper scrap or copper alloy scrap, and:"

In the instructions to § 1309.73, paragraph "3", eleventh line, "20:7b" should read "120:7b".

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

MAXIMUM PRICE REGULATION NO. 139—USED HOUSEHOLD MECHANICAL REFRIGERATORS

The regulation appearing in the issue for May 7, 1942, should be corrected as follows: On page 3395, § 1380.211 (a) (7), "1942 addition" should read "1942 edition"; on page 3397, the price of reconditioned Frigidaire, 1929, Model AP-12, is "75.00" instead of "5.00"; on page 3399, the year "1939" in the first column under "Gibson" should read "1940"; on page 3400, the first Leonard model number "L5S" should read "L5" and the second model number "L7" should read "L7S"; on page 3401, the price of reconditioned Stewart Warner, 1940, Model D-420, is "90.65" instead of "90.50".

[2] 7 F.R. 3155.
[3] 7 F.R. 3200.

Chapter XIII—Office of Petroleum Coordinator for National Defense

[Recommendation No. 47]

PART 1503—PRODUCTION

ABANDONMENT OF OIL OR GAS WELLS

To all state regulatory authorities having jurisdiction over the drilling and abandonment of oil and gas wells and to all operators and owners of oil and gas wells wherever located and to all other persons having an interest in any oil or gas well.

It is essential to the success of the war effort that the maximum recovery of known reserves of petroleum in the United States be obtained. In order to accomplish such maximum recovery it is imperative that oil and gas reserves shall not be abandoned prematurely or in such manner as to jeopardize the eventual recovery of such reserves.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1503.30 to 1503.33, inclusive, issued under the President's letter to the Secretary of the Interior (6 F.R. 2760).

§ 1503.30 *Abandonment of wells.* No oil or gas well shall be abandoned unless and until such well is incapable of yielding a sufficient production of oil or gas, or both, to provide adequate compensation for the labor employed in its operation, to meet maintenance and repair costs, and to pay such taxes as may be levied against it: *Provided, however,* That any oil or gas well may be abandoned where the production of water from such well tends in any way to diminish the ultimate recovery of petroleum from the particular reservoir.

§ 1503.31 *Salvage of casing and equipment.* Except where abandonment is sanctioned under the provisions of § 1503.30, casing or equipment shall not be salvaged from any oil or gas well if such action will cause or result in the isolation and loss of the remaining reserves of the particular reservoir.

§ 1503.32 *Notice of intent to abandon required.* Antecedent notice of the intention to abandon any well capable of producing more than one barrel of crude oil or six thousand feet of natural gas per day shall be filed with the District Director of Production for the district in which such well is located, on a form provided therefor by the Office of Petroleum Coordinator for National Defense. This notice shall be filed not less than 30 days prior to the proposed date for the commencement of abandonment op-

erations and unless notice of disapproval of the proposed abandonment is received by the person filing the notice of intention to abandon before such proposed date, such person may proceed with the abandonment operations.

§ 1503.33 *Exceptions.* Oil or gas wells actually incapable of production because of depletion of the reservoir or because of failure to find oil or gas in commercial quantities may be abandoned provided that the abandonment procedure is in conformity with the procedure prescribed by the appropriate state regulatory authority or, where there is no state regulatory authority, where the abandonment procedure is in accordance with the recognized engineering principles, and provided that prompt use is made of the material and equipment salvaged as a result of the abandonment.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

APRIL 21, 1942.

[F. R. Doc. 42-4164; Filed, May 8, 1942; 3:22 p. m.]

[Recommendation No. 40, Amendment]

PART 1504—PROCESSING AND REFINING

REFINING AND DISTRIBUTION OF AUTOMOTIVE LUBRICANTS CONTAINING ADDITIVES

To all manufacturers and compounders of petroleum lubricating oils and greases, and all marketers of automotive lubricating oils and greases:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, §§ 1504.40 to 1504.49 of this chapter (Recommendation No. 40, dated March 16, 1942) are hereby amended to read as follows:

AUTHORITY: §§ 1504.40 to 1504.49, inclusive, issued under the President's letter to the Secretary of the Interior (6 F.R. 2760).

§ 1504.40 *Definitions.* For the purposes of §§ 1504.40 to 1504.49, inclusive, the following terms shall have the following meanings:

(a) "Passenger car" means any motor vehicle designed and used for the carrying of passengers, including but not limited to station wagons, delivery trucks under ¾ ton rated capacity, taxicabs, limousines and business cars, but not to include police or fire department cars or motorcycles, ambulances, busses, or motor vehicles in the official use of the armed forces of the United States.

(b) "Additive" means any material which is added to and made a part of a finished petroleum product for the purpose of altering any characteristic of that product.

(c) "Cresol" means the phenol derivative known as cresol, including all types of cresol from whatever source derived.

(d) "Chlorine" means the chemical element chlorine, having atomic number 17.

(e) "Manufacturer" means any person who processes, reprocesses, or in any manner alters (including compounding and blending) petroleum or petroleum products into finished petroleum lubricating oils and greases.

(f) "Distributor" means any person who receives petroleum products from a manufacturer or another distributor for delivery to another distributor, to a retailer or to a consumer.

(g) "Retailer" means any person who delivers petroleum products to a consumer or into a consuming facility.

§ 1504.41 *Limitation on use of cresol.* All automotive lubricating oils or greases manufactured subsequent to April 6, 1942, and containing any additive requiring cresol in its manufacture shall be designated as "Not for use in passenger cars," and the words quoted shall appear plainly and prominently on all containers containing such products. All manufacturers using cresol in any additive shall immediately seek a substitute for cresol in such use.

§ 1504.42 *Limitation on use of detergent or detergent-disperser type additives:* All automotive lubricating oils manufactured subsequent to April 6, 1942, and containing any additive of the metallic detergent, or detergent-disperser, type shall be designated as "Not for use in passenger cars," and the words quoted shall appear plainly and prominently on all containers containing such products. Manufacturers shall immediately reduce the amount or use of the above type additive for all other purposes wherever and to whatever percentage possible and practicable.

§ 1504.43 *Limitation on use of oxidation inhibitor type additive.* Manufacturers shall immediately reduce the use or amount of oxidation inhibitor type additives wherever and to whatever percentage possible and practicable.

§ 1504.44 *Pour point depressants.* Manufacturers shall immediately reduce the use of pour point depressants to whatever extent possible and practicable by the following means:

(a) Lubricating oils shall be dewaxed to lower pour point specifications by utilizing dewaxing facilities to maximum capacity.

(b) Pour point specifications shall be revised to the highest allowable specifications to meet safely the temperature requirements of each locality.

§ 1504.45 *Extreme pressure lubricants.* With respect to lubricating oils and greases manufactured subsequent to April 6, 1942 for civilian use, manufacturers and distributors thereof shall reduce the use of critical additive materials required for extreme pressure lubricants to whatever extent possible and practicable but by not less than 25% of the amount of each of such materials used by each such manufacturer and distributor during the calendar year 1941, adjusted upward or downward as the case may be in the direct proportion that current civilian sales volume bears to civilian sales volume in the calendar year 1941, in any one or more of the following ways:

(a) Substitution of a straight mineral oil type lubricant for use in passenger car transmissions.

(b) A change in formula for such extreme pressure lubricants.

(c) Elimination of the manufacture of any chassis lubricant requiring chlorine or other critical additive material in its manufacture.

(d) Elimination where possible, and where permissible by automotive manufacturer's specifications, the use of universal (all-purpose) type or any other type of extreme pressure lubricants in the transmissions of equipment other than passenger cars. Where such products are required to be used, specifications for use shall be given on lubricating oil charts and on the containers containing such products.

(e) Elimination to whatever extent possible and practicable of the use of chlorine or other critical additive material in the manufacture of extreme pressure lubricants, and replacement wherever possible and practicable of extreme pressure lubricants containing chlorine or other critical additive materials with other types of mild extreme pressure or hypoid gear lubricants.

§ 1504.46 *Distribution or dispensing of petroleum lubricating oils and greases.* No distributor or retailer shall receive any products designated and marked pursuant to §§ 1504.41 or 1504.42 for uses restricted by such designation and marking, and no distributor or retailer shall place any such product in any passenger car or part thereof coming within such restrictions.

§ 1504.47 *Protective measures.* Manufacturers and distributors of lubricating oils and greases shall make all necessary provisions for the proper designation and marking of products and containers to assure the distribution of all products affected by §§ 1504.40 to 1504.46, inclusive, to their proper uses, and shall caution all employees and retailers against the improper uses of such products. The manufacturers of automotive vehicles shall cooperate with the manufacturers of lubricating oils and greases by specifying for use in passenger cars those products which conform to the restrictions effected by §§ 1504.40 to 1504.46, inclusive, and shall caution the public in the more careful use of passenger cars where such care becomes necessary because of the altered characteristics of such products.

§ 1504.48 *Reports.* On May 15, 1942, and again on July 1, 1942, each manufacturer of lubricating oils and greases shall forward to the Office of Petroleum Coordinator for National Defense, Washington, D. C., a report showing the results which each has obtained through the application of §§ 1504.40 to 1504.49, inclusive. Such reports shall show the former use of additives (total volume used and percentage of mix), and the change in quality or specifications of products brought about by substitution or reduction in the use of additives. Such reports shall classify such information as to all types of uses, classes of deliveries, and localities (where specifications vary as between localities).

§ 1504.49 *Exception.* Any manufacturer who has reason to believe that the use of materials restricted by §§ 1504.40

to 1504.48, inclusive, in any additive which he manufactures or employs for use in any lubricating oils or greases will not interfere with the war effort or seriously affect essential civilian needs, or any manufacturer who believes that compliance with said sections will work an unnecessary and unreasonable hardship upon him, may apply to the Petroleum Coordinator for National Defense for an exception to any such section or provision thereof.

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

APRIL 20, 1942.

[F. R. Doc. 42-4165; Filed, May 8, 1942; 3:21 p. m.]

[Recommendation No. 37]

PART 1507—DISTRIBUTION

CONTRACTUAL COMMITMENTS NOT TO INTERFERE WITH DISTRIBUTION REQUIREMENTS

To all suppliers of petroleum or petroleum products:

Because of shortages of transportation facilities available to move supplies of petroleum and petroleum products to various areas where they are needed, and because of increased and changing demands for petroleum and petroleum products of the proper kinds, at the proper places, and at the times when needed, it is imperative for the successful prosecution of the war effort that contractual commitments shall not interfere with the requirement that all supplies of petroleum and petroleum products available be so distributed from time to time as to meet essential requirements. While this is presently true both as a matter of general law, and by reason of force majuere clauses governing such commitments, nevertheless, in order to avoid misunderstandings on the part of suppliers or consumers, and in order to avoid delay arising out of unnecessary disputes, commitments for the future delivery of certain petroleum products should be avoided.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1507.13 *Definition.* "Fuel oil" means any fuel oil classified as grades Nos. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, and gas oils, and any other liquid petroleum product used for the same purposes but shall not include fuel oil when used for cooking or lighting nor liquefied petroleum gases.

AUTHORITY: §§ 1507.13 to 1507.15, inclusive, issued under the President's letter to the Secretary of the Interior (6 F.R. 2760).

§ 1507.14 *Commitments to furnish fuel oil to consumers.* No person, natural or artificial, shall make, extend, or permit to be extended, any agreement, contract, or other commitment to furnish fuel oil on or after June 1, 1942, to meet the future requirements of any other person, natural or artificial, for ultimate use of fuel oil for space or central heating, or for hot water supply, but this provision shall not apply in any case where any such agreement, contract, or other commitment is required by Federal or State law. Any existing agreement, contract, or other commitment contrary hereto shall be cancelled.

§ 1507.15 *Statement of use.* Any contract, agreement, or other commitment for the delivery of fuel oil not prohibited by § 1507.14 of this chapter shall contain the following statement by the ultimate user of the Fuel Oil covered thereby:

Fuel Oil delivered pursuant to this agreement will not be used for space or central heating, or for hot water supply.

(Legal Name of Person)
By:

Signature of Duly Constituted Representative

Such statement shall constitute a representation to the Petroleum Coordinator for National Defense and to the person supplying such fuel oil, and such person shall be entitled to rely upon such representation unless he knows or has reason to believe it to be false.

R. K. DAVIES,
Deputy Petroleum Coordinator, for National Defense.

APRIL 20, 1942.

[F. R. Doc. 42-4166; Filed, May 8, 1942; 3:21 p. m.]

[Recommendation No. 46]

PART 1508—MARKETING

CONVERSION TO EXCLUSIVE DEALING ARRANGEMENTS PROHIBITED

To all suppliers of petroleum or petroleum products:

Because of the existence of present and prospective war-time shortages of certain petroleum products, there is a tendency toward the expansion of so-called exclusive-dealing arrangements with the result that the retail outlets for gasoline, lubricating oils and other petroleum products manufactured by smaller refiners are removed.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1508.50 and 1508.51, issued under the President's letter to the Secretary of the Interior (6 F.R. 2760).

§ 1508.50 *Exclusive-dealing.* No person, natural or artificial, shall, after the effective date hereof, convert, or cause to be converted, by any means or device whatsoever, any retail outlet from a non-exclusive or a so-called "split" account to an exclusive or a so-called "100 per cent" account.

§ 1508.51 *Exceptions.* Any person who considers that compliance with the provisions of § 1508.50 of this chapter would work an exceptional and unreasonable hardship upon him may apply to the appropriate District Director of Marketing for an exception therefrom, and the said District Director may grant or deny such application.

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

APRIL 20, 1942.

[F. R. Doc. 42-4167; Filed, May 8, 1942; 3:22 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1503]

PART 160—GRAZING LEASES

GRAZING LEASE FORM AMENDED

Paragraph (k) of the grazing lease, Form 4-722, 43 CFR 160.30 as amended by Circular 1471[1] of June 7, 1940, is hereby further amended to read as follows:

§ 160.30 *Form of grazing lease.*

* * * * *

(k) That the leased lands shall be subject to entry for hunting and fishing by any person under applicable State or Federal hunting and fishing laws and regulations, but in any event the Commissioner may prohibit or restrict or he may authorize the lessee to prohibit or restrict hunting or fishing on such parts of the leasehold and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purpose for which the lands are leased, that is, grazing.

This amendment will not affect any outstanding grazing leases but will be made a part of all new leases and all leases hereafter renewed.

FRED W. JOHNSON,
Commissioner.

Approved: April 28, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-4163; Filed, May 8, 1942; 3:25 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

FILING OF TARIFF SCHEDULES FOR PRIVATE PRINTER SERVICE BY TELEGRAPH CARRIERS

The Commission, on May 5, 1942, having under consideration the practice of furnishing private printers by telegraph carriers for the use of their customers; and

It appearing that the terms and conditions upon which telegraph carriers un-

[1] 5 F.R. 2269.

dertake to furnish private printer service to their customers are not set forth in the tariffs filed by the telegraph carriers with this Commission;

Therefore, it is ordered, That each telegraph carrier which undertakes to furnish private printer service to its customers shall within thirty days from the date hereof (1) file with the Commission tariff schedules setting forth the terms and conditions upon which such carrier undertakes to install private printers and furnish private printer service to the public, including the charges, if any, for the installation and use of private printers or private lines; or (2) show cause why such carrier should not file such tariff schedules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-4162; Filed, May 8, 1942; 10:44 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 203—PRESERVATION OF RECORDS

At a Session of the Interstate Commerce Commission, division 1, held at its office in Washington, D. C., on the 18th day of April, A. D. 1942.

The matter of the determination under section 220 of the Interstate Commerce Act of the period of time during which accounts, records, memoranda, documents, papers, and correspondence shall be preserved by motor carriers other than Class I motor carriers and by brokers being under consideration:

It is ordered, That the following regulations governing the preservation of accounts, records, memoranda, documents, papers, and correspondence of motor carriers (other than Class I motor carriers) and brokers subject to the provisions of Part II of the Interstate Commerce Act be, and they hereby are, prescribed:

SUBPART A—MOTOR CARRIERS OTHER THAN CLASS I MOTOR CARRIERS [1]

AUTHORITY: §§ 203.1 through 203.100 issued under the authority contained in section 220 (d), 49 Stat. 563, 54 Stat. 927, 29, U.S.C. 320 (d).

§ 203.1 *Period of retention—(a) Records to be permanently preserved.* The following records shall be retained permanently unless the motor carrier operations are sold or otherwise disposed of, in which event they may be transferred to the person or company continuing such operations:

(1) General and auxiliary ledgers, journals, cash books, and journal entries.

(2) Property records showing costs and dates acquired including certificates or abstracts of title and records pertaining to depreciation, retirements and replacements of property.

(3) Capital stock records, minutes of directors, stockholders, and other corporate meetings.

(b) *Other documents.* Drivers' logs shall be preserved for one year as prescribed in Part 5 of the Safety Regulations (Part 191 of Title 49 of the Code of Federal Regulations). All other accounts, records, memoranda, documents, papers, and correspondence shall be preserved for a period of not less than 3 years or for longer *periods if ordered* by other lawful authority.

§ 203.2 *Lawful destruction.* Any motor carrier other than a Class I motor carrier may destroy its accounts, records, memoranda, documents, papers, and correspondence named in § 203.1 (b) after preserving the same for the periods of time respectively specified therein.

§ 203.3 *Accidental destruction.* If any accounts, records, memoranda, documents, papers, or correspondence shall be accidentally lost or destroyed by fire, flood, or other calamity, a statement shall be submitted to the Interstate Commerce Commission describing as accurately as possible the accounts, records, memoranda, documents, papers, or correspondence, and the circumstances under which they were lost or destroyed.

SUBPART B—BROKERS

§ 203.100 *Brokers.* The requirements of §§ 203.1 to 203.3 inclusive, shall apply equally to brokers when the subject matter permits application.

It is further ordered, That a copy of this order shall be served upon each motor carrier (other than a Class I motor carrier) and upon each broker, and each receiver, trustee, executor, administrator, or assignee of any such motor carrier or broker.

It is further ordered, That the order of August 3, 1936, and the regulations thereby prescribed insofar as they relate to motor carriers (other than Class I motor carriers) and brokers be, and they are hereby vacated and set aside.

It is further ordered, That this order shall become effective on July 1, 1942.

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-4214; Filed, May 11, 1942; 10:57 a. m.]

[1] Carriers in this class have average gross revenues of less than $100,000 annually. The expression "motor carriers" as used in this subpart means motor carriers other than Class I motor carriers.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[No. 36]

APPLICATION FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	*Date application filed*
Lewis Crews, 280 Bridge St., Brooklyn, N. Y.	Apr. 28, 1942
Decco Coal Co., 216 United Bank Bldg., 3d and Walnut Sts., Cincinnati, Ohio	Apr. 30, 1942
Edward B. Francis, Francis Coal Co., 209 South High St., Columbus, Ohio	Apr. 25, 1942
A. C. Pagenkopf, 161 W. Wisconsin Ave., Milwaukee, Wis.	Apr. 23, 1942
W. Va. & Ky. Coal Sales Co., 900 Washington Ave., Newport, Ky.	May 2, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before June 8, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: May 8, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-4232; Filed, May 11, 1942; 11:39 a. m.]

[Docket No. B-163]

STATE COAL CO.

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

In the matter of C. W. Helfrich, doing business under the name and style of State Coal Co., registered distributor, Registration No. 8651.

The above entitled matter having been scheduled for hearing on May 26, 1942, at 10:00 a. m., at a hearing room of the Bituminous Coal Division at the Coronado Hotel, St. Louis, Missouri, before Joseph D. Dermody or any officer or officers of the Bituminous Coal Division duly designated for that purpose, pursuant to the Notice of and Order for Hearing dated April 27, 1942; and

The Acting Director deeming it advisable that said Notice of and Order for Hearing dated April 27, 1942, should be amended;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated April 27, 1942, in the above entitled matter be and the same is hereby amended by deleting the words and figures "Section 304.11 of the Rules and Regulations for the Registration of Distributors" appearing in the first and second lines of paragraph numbered (4) and inserting in lieu thereof the words and figures "Section II of the Rules and Regulations for Registration of Distributors as set forth in 'Appendix A' to the Findings of Facts and Conclusions adopted by Order of the National Bituminous Coal Commission dated March 24, 1939, in Docket No. 12, which was adopted, ratified and continued in effect as a regulation of the Bituminous Coal Division by Order of the Secretary of the Interior dated July 1,

1939 and subsequently amended by Order of the Division dated June 19, 1940 and codified, pursuant to The Federal Register Act, as § 304.11 of the Rules and Regulations for the Registration of Distributors"; and

It is further ordered, That said Notice of and Order for Hearing in the above entitled matter dated April 27, 1942, shall in all other respects remain in full force and effect.

Dated: May 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4233; Filed, May 11, 1942; 11:39 a. m.]

[Docket No. B-242]

ROWELL & ROWELL

ORDER POSTPONING HEARING

In the matter of Fred Rowell and Audebee Rowell, also known as Audibee Rowell, individually and as co-partners, doing business under the name and style of Rowell & Rowell, code member.

The above-entitled matter having been heretofore scheduled for hearing on June 1, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division, at the Tutwiler Hotel, Birmingham, Alabama; and

It appearing to the Acting Director advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby, postponed to a date and at a hearing room to be hereafter designated by an appropriate order.

Dated: May 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4234; Filed, May 11, 1942; 11:39 a. m.]

[Docket No. 1873-FD]

JUNCTION CITY CLAY CO.

ORDER GRANTING EXEMPTION

In the matter of the application of the Junction City Clay Company for a determination of the status of the coal produced at its Junction City Mine in Perry County, Ohio, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

An application having been filed on October 4, 1941, by The Junction City Clay Company ("Applicant") with the Bituminous Coal Division, pursuant to section 4-A of the Bituminous Coal Act of 1937, seeking an order declaring all coal produced at the Junction City Mine, Perry County, Ohio, exempt from the provisions of section 4 of the Act, by virtue of section 4 II (1) thereof, in that all of the coal mined thereof is produced and consumed by the Applicant and is used exclusively by the Applicant on its premises in the manufacturing of its products;

A statement of facts expected to be proved at the hearing having been filed by the Applicant;

Pursuant to appropriate order, a hearing in this matter having been held before Floyd McGown, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and at which the Applicant appeared;

The preparation and filing of a report by the Examiner having been waived, and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith [1];

Now, therefore, it is ordered, That, in accordance with the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, The Junction City Coal Company be, and it hereby is, exempt from any obligation, duty, or liability imposed by section 4 of the Act, with respect to the commerce covered by its application herein, effective as of October 7, 1941.

Dated: May 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4235; Filed, May 11, 1942; 11:40 a. m.]

DIXIE FUELS, INC., ET AL.—REVOCATION OF CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Dixie Fuels, Incorporated, Fort Dodge Fuel Company, Rick John (Rick John Coal Co.), Kain Fuels, Incorporated, Julius H. Ortwein (Ortwein Coal Company), Randall & McAllister, Trombly Coal Company.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, it is so ordered.

Dated: May 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

Exhibit A

Registration No., Name and Address

2376. Dixie Fuels, Inc., 430 North Waldran, Memphis, Tenn.
3105. Fort Dodge Fuel Co., Fort Dodge, Iowa.
4823. Rick John (Rick John Coal Co.), 202 North Gulf St., Laurinburg, N. C.
4911. Kain Fuels, Inc., 504 Prudential Bldg., Buffalo, N. Y.
7046. Julius H. Ortwein (Ortwein Coal Co.), 6618 French Rd., Detroit, Mich.
7551. Randall & McAllister, 84 Commercial St., Portland, Maine.
9117. Trombly Coal Co., 10530 Gratiot Ave., Detroit, Mich.

[F. R. Doc. 42-4236; Filed, May 11, 1942; 11:40 a. m.]

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[1] Not filed with the original document.

[Docket No. B-65]

IN THE MATTER OF JOHN KOSOROK, CODE MEMBER

CEASE AND DESIST ORDER, ETC.

Order, approving and adopting proposed findings of fact, and proposed conclusions of law and recommendation of the Examiner.

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 22. The complaint alleges that John Kosorok a code member in District No. 22, wilfully violated the provisions of the Bituminous Coal Code, the regulations thereunder, and the effective minimum prices, as set forth in the Schedule of Effective Minimum Prices for District No. 22 For All Shipments, wherein complainant prayed that the Division either cancel and revoke the code membership of John Kosorok, or in its discretion, direct him to cease and desist from further violations of the Bituminous Coal Code, the rules and regulations promulgated thereunder, and the established effective minimum prices.

Pursuant to an order of the Director, dated November 22, 1941, and after due notice to all interested persons, a hearing in this matter was held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Appearances were entered in behalf of District Board 22 and John Kosorok.

The Examiner on March 23, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. He found that John Kosorok, code member producer in District 22, wilfully violated section 4 II (e) of the Act, the Bituminous Coal Code and the Schedule of Effective Minimum Prices for District No. 22 For All Shipments by selling and delivering between the dates of December 2 and December 14, 1940, both dates inclusive, approximately 25 tons of 2" lump coal (Size Group 2) at $3.50 per net ton f. o. b. the mine, whereas the effective minimum price therefor was $3.75 per ton f. o. b. the mine. Based upon his Proposed Findings of Fact, the Examiner recommended that an order be entered directing John Kosorok, his officers, representatives, agents, servants, employees, and successors or assigns and all persons acting or claiming to act for or in his behalf or interest, to cease and desist from further violations of the Act and of the Code, by selling or offering to sell coal at less than the applicable effective minimum prices established therefor.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner. No Exceptions thereto have been filed.

The undersigned has determined that the Proposed Findings of Fact and the Proposed Conclusions of Law of the Ex-

aminer in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That effective fifteen (15) days from the date hereof, John Kosorok, his officers, representatives, agents, servants, employees and successors or assigns and all persons acting or claiming to act for or in his behalf or interest, be and are hereby directed to cease and desist from selling coal below the effective minimum price established therefor and from otherwise violating the Bituminous Coal Act of 1937, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 22 For All Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the code member fails or refuses to comply with this Order, the Division may apply to the Circuit Court of Appeals for the enforcement thereof, or take any other action which may be appropriate in the premises.

Dated: May 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4239; Filed, May 11, 1942; 11:41 a. m.]

[Docket No. B-63]

IN THE MATTER OF LEO PILATI, CODE MEMBER

CEASE AND DESIST ORDER, ETC.

Order approving and adopting proposed findings of fact, and proposed conclusions of law and recommendation of the examiner, and cease and desist order.

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 22. The complaint alleges that Leo Pilati, a code member in District No. 22, wilfully violated the provisions of the Bituminous Coal Code, the regulations thereunder, and the effective minimum prices, as set forth in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments, wherein complainant prayed that the Division either cancel and revoke the code membership of Leo Pilati, or in its discretion, direct him to cease and desist from further violations of the Bituminous Coal Code, the rules and regulations promulgated thereunder, and the established effective minimum prices.

Pursuant to an order of the Director, dated November 22, 1941, and after due notice to all interested persons, a hearing in this matter was held January 20, 1942, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing. Appearances were entered in behalf of District Board 22 and Leo Pilati.

The Examiner on April 2, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. He found that Leo Pilati, code member producer in District 22, wilfully violated section 4 II (e) of the Act, the Bituminous Coal Code and the Schedule of Effective Minimum Prices for District No. 22 for All Shipments by selling and delivering between the dates of October 1 and December 14, 1940, both dates inclusive, approximately 69 tons of 2" lump coal (Size Group 2) at $3.50 per net ton f. o. b. the mine, whereas the effective minimum price therefor was $3.75 per ton f. o. b. the mine. Based upon his Proposed Findings of Fact, the Examiner recommended that an order be entered directing Leo Pilati, his officers, representatives, agents, servants, employees and successors or assigns and all persons acting or claiming to act for or in his behalf or interest, to cease and desist from further violations of the Act and of the Code, by selling or offering to sell coal at less than the applicable effective minimum prices established therefor.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner. No exceptions thereto have been filed.

The undersigned has determined that the Proposed Findings of Fact and the Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That, effective fifteen (15) days from the date hereof Leo Pilati, his officers, representatives, agents, servants, employees and successors or assigns and all persons acting or claiming to act for or in his behalf or interest, be, and are hereby directed to cease and desist from selling coal below the effective minimum price established therefor and from otherwise violating the Bituminous Coal Act of 1937, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 22 for All Shipments and the Marketing Rules and Regulations.

It is further ordered, That if the code member fails or refuses to comply with this order, the Division may apply to the Circuit Court of Appeals for the enforcement thereof, or take such further action as may be appropriate in the premises.

Dated: May 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4240; Filed, May 11, 1942; 11:42 a. m.]

[Docket No. B-121]

STRAIGHT CREEK JELLICO COAL CO.

CANCELLATION AND REVOCATION OF CODE MEMBERSHIP

In the matter of W. H. Greene, also known as W. H. Green, doing business as Straight Creek Jellico Coal Company, Code Member.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendation of the Examiner and revoking and cancelling code membership.

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on October 20, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 8, alleging that W. H. Greene, doing business as Straight Creek Jellico Coal Company, a code member in District 8, has wilfully violated the Bituminous Coal Code and regulations made thereunder, and in particular an Order of the Director of the Division promulgated on October 9, 1940, in General Docket No. 19, and praying that the Division either cancel and revoke Greene's code membership, or in its discretion, direct him to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing in this matter having been held on February 16, 1942, before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room thereof in Middlesboro, Kentucky;

The Examiner, having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated April 6, 1942, recommending that Greene's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the proposed findings of fact, proposed conclusions of law and recommendation of the Examiner should be approved and adopted;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of W. H. Greene, also known as W. H. Green, doing business as Straight Creek Jellico Coal Company, operating Mine Index No. 2599, located in Knox County, Kentucky, be and it is hereby revoked and cancelled;

It is further ordered, That prior to any reinstatement of W. H. Greene (Straight Creek Jellico Coal Company), to membership in the Code, he shall pay to the United States a tax in the amount

of $336.12, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: May 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4241; Filed, May 11, 1942; 11:42 a. m.]

[Docket No. 1871-FD]

BESSEMER LIMESTONE & CEMENT CO.

EXEMPTION GRANTED, ETC.

In the matter of the application of the Bessemer Limestone & Cement Company for determination of the status of the coal produced at its National Mine in Columbiana County, Ohio, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendation of the examiner, and granting exemption.

An application having been duly filed on September 3, 1941, by the Bessemer Limestone & Cement Company ("Applicant") with the Bituminous Coal Division, pursuant to section 4-A of the Bituminous Coal Act of 1937, seeking an order declaring all coal produced at the National Mine, Columbiana County, Ohio, exempt from the provisions of section 4 of the Act by virtue of section 4 II (1) thereof, in that all of the coal mined therefrom is produced and consumed by the Applicant and is used exclusively by the Applicant on its premises in the manufacturing of its products;

A statement of the facts expected to be proved at the hearing having been filed by the Applicant;

Pursuant to appropriate order, a hearing in this matter having been held before Edward J. Hayes, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and at which the Applicant appeared;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions and Recommendation in this matter, dated April 3, 1942, finding that the coal in question is consumed by the producer thereof and recommending that an order be entered granting the exemption applied for by the Applicant;

An opportunity having been afforded to all parties to file exceptions thereto and supporting brief and no exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That in accordance with the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, the Bessemer Limestone & Cement Company be and it hereby is exempt from any obligation, duty, or liability imposed by section 4 of the Act, with respect to the commerce in the coal produced by the Applicant at the National Mine located in East Falestine, Columbiana County, Ohio, and consumed by it and transported by it to itself for consumption by it, effective as of September 6, 1941.

Dated: May 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4237; Filed, May 11, 1942; 11:40 a. m.]

[Docket No. B-165]

IN THE MATTER OF HOBERT L. FELTY AND JESS RUCKER, CODE MEMBERS

CANCELLATION OF CODE MEMBERSHIP, ETC.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendations of the examiner, and order revoking and cancelling code membership.

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 8, alleging that Hobert L. Felty and Jess Rucker, code member producers in District No. 8, wilfully violated provisions of the Bituminous Coal Code or the rules and regulations thereunder, and requesting that the Division either cancel and revoke the aforesaid code members' membership in the Code, or, in its discretion, direct the code members to cease and desist from violations of the Code or the rules and regulations thereunder;

A hearing having been held before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room thereof in Catlettsburg, Kentucky, February 20, 1942;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter dated April 6, 1942, in which it was recommended that an Order be entered dismissing the proceeding as to Jess Rucker but directing that his code membership be placed on the inactive list, and that the Order so entered revoke and cancel the code membership of Hobert L. Felty and provide that prior to any reinstatement to membership in the Code, Hobert L. Felty should pay to the United States a tax in the amount of $54.29 as provided in Section 5 (c) of the Act;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact, and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the complaint of the Bituminous Coal Producers Board for District No. 8 against Jess Rucker be and it hereby is dismissed, and that the code membership of Jess Rucker be and it hereby is placed on the inactive list;

It is further ordered, That the code membership of Hobert L. Felty be and it hereby is revoked and cancelled;

It is further ordered, That prior to any reinstatement of Hobert L. Felty to membership in the Code, he shall pay to the United States a tax in the amount of $54.29 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: May 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4238; Filed May 11, 1942; 11:40 a. m.]

General Land Office.

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 162 REDUCED

Under and pursuant to section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, the departmental order of June 25, 1941, reserving certain public lands in Alaska for use by the Department of Commerce as air navigation sites, is hereby revoked so far as it affects the tract of land near West Ruby lying within the following described boundaries which is no longer required for such purpose:

Beginning at corner No. 1, a rock monument on the left bank of the Yukon River, in approximate latitude 64°48' N., longitude 157°23' W., in the Fourth Judicial Division, from which a sharp pointed bluff on the west side of the junction of Bishop's Slough and the Yukon River, approximately 12 miles upstream from Koyukuk Village, bears N. 83°07' E., 5,711 feet.

Thence from corner No. 1, by metes and bounds;

With meanders on the left bank of the Yukon River,

S. 79°52' E., 711.1 feet;
S. 87°16' E., 566.7 feet;
N. 85°45' E., 441.3 feet;

Thence,

South, 12,760 feet, to a point;
West, 5,280 feet, to a point;
North, 13,200 feet, to a point;
East, 3,034 feet to intersection with left bank of the Yukon River;

Thence with meanders along left bank of Yukon River,

S. 68°23' E., 523.4 feet to place of beginning, containing approximately 1,580 acres.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

APRIL 28, 1942.

[F. R. Doc. 42-4211; Filed, May 11, 1942; 9:53 a. m.]

Office of Indian Affairs.

ORDER RESERVING CERTAIN LANDS AT NORTHWAY, ALASKA

APRIL 24, 1942.

Pursuant to authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593), and subject to any valid existing rights or claims acquired prior to the date hereof, there are hereby withdrawn and permanently reserved for school and medical purposes the following described land at Northway, Alaska.

Beginning at a point on the left bank of the Nabesna River opposite the Moose Creek School at Northway (formerly Nabesna) Alaska, about six miles above its confluence with the Tanana River in approximate latitude 63°00′ N., approximate longitude 141°58′ W., thence

Northeasterly downstream along the left bank of the Nabesna River approximately ½ mile,
N. 45° W., 1 mile,
S. 45° W., 1 mile,
S. 45° E., 1 mile more or less to the left bank of the Nabesna River,
Northeasterly downstream along the left bank of the Nabesna River approximately ½ mile to the place of beginning.

W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 42-4213; Filed, May 11, 1942; 9:58 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 691]

ALLOCATION OF FUNDS FOR LOANS

APRIL 11, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Louisiana 2021GT3 Webster	$1,300,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-4202; Filed, May 9, 1942; 11:59 a. m.]

[Administrative Order No. 690]

ALLOCATION OF FUNDS FOR LOANS

MARCH 23, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 2026B1 San Miguel	$74,000
Colorado 2037B1 Douglas	580,000
Idaho 2014B1 Valley	125,000
Idaho 2014G1 Valley	62,000
Missouri 2026C1 Ralls	54,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-4201; Filed, May 9, 1942; 11:59 a. m.]

[Administrative Order No. 689]

ALLOCATION OF FUNDS FOR LOANS

MARCH 23, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 2024E3 Washington	$35,000
Florida 2026A2 Hardee	30,000
South Carolina 2031A2 Horry	34,500
Texas 2041E4 Panola	25,000
Texas 2075B2 Wharton	10,000
Texas 2101C3 Parker	15,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-4200; Filed, May 9, 1942; 11:59 a. m.]

[Administrative Order No. 688]

ALLOCATION OF FUNDS FOR LOANS

MARCH 23, 1942

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Texas 2052E1 Fannin	$16,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-4199; Filed, May 9, 1942; 11:59 a. m.]

[Administrative Order No. 692]

ALLOCATION OF FUNDS FOR LOANS

APRIL 17, 1942.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
South Carolina 2-1014S6 Aiken	$6,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-4203; Filed, May 9, 1942; 12 m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

BUTTON AND BUCKLE MANUFACTURING INDUSTRY

FINAL DATE FOR SUBMISSION OF BRIEFS

Notice of Final Date for Submission of Written Briefs in the Matter of the Minimum Wage Recommendation of Industry Committee No. 43 for the Button and Buckle Manufacturing Industry and of the Restriction, Regulation or Prohibition of Home Work in the Button and Buckle Manufacturing Industry

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on April 23, 1942, on the minimum wage recommendation of Industry Committee No. 43 for the Button and Buckle Manufacturing Industry and on the restriction, regulation or prohibition of home work in the Button and Buckle Manufacturing Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Wednesday, May 27, 1942.

Signed at New York, New York, this 8th day of May, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-4215; Filed, May 11, 1942; 11:00 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective May 11, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person

aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Foster Bros. Sportswear Co., Inc., 15th St. & Mt. Vernon St., Philadelphia, Pa.; Ladies' & Men's Sportswear; 10 percent (T); May 11, 1943.

Foster Bros. Sportswear Co., Inc., 15th St. & Mt. Vernon Sts., Philadelphia, Pa.; Ladies' and Men's Sportswear; 50 learners (E); November 11, 1942.

Union Underwear Co., Inc., Frankfort, Kentucky; Underwear of woven fabrics; 10 percent (T); May 11, 1943. (This certificate replaces the one bearing the expiration date of October 23, 1942.)

Single Pants, Shirts and Allied Garments and Women's Apparel

Berry Dry Goods Co., 105–107 East Markham St., Little Rock, Arkansas; Pants, Overalls, One-piece suits; 40 learners (E); November 11, 1942.

Blue Bell-Globe Mfg. Co., Brenham Ave., Natchez, Mississippi; Work Trousers, & Work Shirts; 175 learners (E); November 11, 1942.

Brookfield-Garrison Mfg. Co., Warrensburg, Missouri; Cotton Jackets, one piece suits, shirts & pants; 10 learners (E); November 11, 1942.

Clyde Shirt Co., 9th & Main Sts, Northampton, Pennsylvania; Men's Dress & Sports shirts, operating gowns; 25 learners (E); November 11, 1942.

Durable Pants Co., Inc., 902 Main St., Northampton, Pa.; Men's Trousers; 10 percent (T); May 11, 1943. (This certificate replaces the one bearing the expiration date of July 28, 1942.)

Gerson & Kaplan, 33 Artesian St., Houston, Texas; Wash Dresses & Sportswear; 10 percent (T); May 11, 1943.

The H. W. Gossard Co., 6th & Market St., Logansport, Indiana; Women's Foundation Garments; 10 percent (T); May 11, 1943.

Angello Guttadare, 2 First Ave., Raritan, New Jersey; Children's Dresses; 5 learners (T); May 11, 1943.

The Hercules Trouser Co., Hillsboro, Ohio; Single Pants; 50 learners (E); November 11, 1942.

Hunter-Thomas, Inc., Tupelo, Mississippi; Shirts; 10 percent (T); May 11, 1943.

Jacobs Brothers, 1033 Jefferson St., Hoboken, New Jersey; Infant's Coat sets, Snow Suits, Play Suits & Children's Skirts; 5 percent (T); May 11, 1943.

K. W. B. Mfg. Co., 1801 S. Main St., Los Angeles, California; Uniforms (ladies'), Smocks (men's), Aprons, Table Togs & Napkins; 10 percent (T); May 11, 1943.

Benjamin Kaplan & Co., 222 East 16th St., Los Angeles, California; Women's Neckwear; 5 learners (T); May 11, 1943.

Lee Mfg. Co., 108 Delaware Ave., West Pittston, Pa., Dresses; 15 learners (T); November 11, 1942.

D. L. Marx Co., 2715 Commercial Ave., Cairo, Ill., Gov't herring jackets, denim jackets, work clothing; 10 percent (T); May 11, 1943.

Miller Underwear Co., 718 Allen St., Allentown, Pa., Ladies Underwear; 10 percent (T); May 11, 1943.

Mable H. Morrow, 5404 Sierra Vista Ave., Los Angeles, California; Sport & Spectator Sport Clothes; 2 learners (T); November 11, 1942.

New England Overall Co., 39 Elm St., Nashua, New Hampshire; Overalls, Unionalls, Dungaree Aprons; 10 learners (T); May 11, 1943.

Phillips-Jones Corp., 323 Mauch Chunk, Pottsville, Pa.; Commercial Shirts & Pajamas; 10 percent (T); May 11, 1943.

Pierson Mfg. Co., 116 N. 3rd St., Quincy, Illinois; Men's & Boy's Shirts & Pajamas, Women's Wash Dresses, Slack Suits, Housecoats, etc.; 10 percent (T); May 11, 1943.

Pollock-Key Co., Fort Scott, Kansas; Overalls, Pants & Work Shirts; 10 percent (T); May 11, 1943.

Rite Form Corset Co., Inc., 635 6th Ave., New York, N. Y.; Corsellettes, Brassieres, Girdles; 10 learners (T); November 11, 1942.

Shelby Mfg. Co., 660 East Jackson St., Shelbyville, Indiana; Ladies' Cotton Dresses; 30 learners (E); November 11, 1942.

Shenandoah Mfg. Co., Inc., Washington & Bower Sts., Shenandoah, Pa.; Ladies Dresses, Blouses, & Slacks; 35 learners (E); November 11, 1942.

Steingut Dress Co., Center & White Sts., Dupont, Pa.; Dresses; 25 learners (E); November 11, 1942.

Welfit Brassiere Corp., 102 Madison Ave., New York, N. Y.; Brassieres; 10 percent (T); November 11, 1942.

Artificial Flowers and Feathers

S. Zweling, 101 W. 37th St., New York, N. Y.; Artificial Flowers and Feathers; 1 learner (E); June 22, 1942.

Hosiery

Gehman Knitting Mill, Bally, Pa.; Seamless; 5 learners (T); May 11, 1943.

Gunther Wolff Inc., 607 Rose St., Williamsport, Pa.; Finishes, Full-fashioned; 25 learners (E); Nov. 11, 1942.

Snow Shoe Knitting Co., Clarence, Pa.; Full-fashioned; 5 learners (T); May 11, 1943.

Textile

Dudley Shoals Cotton Mill Co., RFD #1, Granite Falls, North Carolina; Cotton Yarns; 2 learners (T); May 11, 1943.

Falls Mfg. Co., Granite Falls, North Carolina; Cotton Yarns; 3 learners (T); May 11, 1943.

Ken Kad Corp., 221 Pleasant St., Fall River, Mass.; Chenille Robes & Spreads; 5 learners (T); May 11, 1943.

Richmond Hosiery Mills, West Gordon Ave., Rossville, Ga.; Cotton Yarns; 3 percent (T); April 13, 1943. (Effective April 13, 1942)

Woolen

Clifton Yarn Mills, Inc., Clifton Heights, Pa.; Novelty & Decorative Yarns; 3 percent (T); May 11, 1943.

Signed at New York, N. Y., this 9th day of May 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-4216; Filed, May 11, 1942; 11:00 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 11, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

American Core-Twine Corp., Salmon Falls, New Hampshire; Converted Paper Products; 10 percent; 6 weeks for any one learner; 30 cents per hour; Machine Operators, Tenders, Fixers and jobs incidental thereto in all departments; September 28, 1942.

Annette Rugs, 7th Ave., Hendersonville, North Carolina; Novelty Cotton Rugs; 2 learners; 6 weeks for any one learner; 30 cents per hour; Sewing Machine Operator; September 28, 1942.

Bradley-Goodrich, Inc., 70 Washington St., Haverhill, Mass., Women's & Men's Turn Slippers; 10 percent; 8 weeks for any one learner; 30 cents per hour; Sewing machine operator on canteen covers, haversacks; September 14, 1942.

Eaton Paper Corp., South Church St., Pittsfield, Mass.; Converted Paper Products Stationery; 20 learners; 4 weeks for any one learner; 33 cents per hour; Machine Operators, Hand Operations; July 20, 1942.

Eugene Block Marquetry Co., 9313 Evans Ave., Chicago, Illinois; Marquetry

& Wooden Novelties; 4 learners; 8 weeks for any one learner, Marquetry sawyer; 4 weeks for any one learner, Marquetry inlayer; 32½ cents per hour; Marquetry Sawyer, Marquetry Inlayer; July 16, 1942. (Effective May 7, 1942)

Gornea Cord Envelopes and Stationery Co., 1828 St. Mary's St., San Antonio, Texas; Stationery; 5 learners; 4 weeks for any one learner; 30 cents per hour; Envelope Maker; August 17, 1942.

The Southern Star Lumber Co., McKenzie, Tennessee; Lumber, Saw Mill & Mfg. 1 learner; 12 weeks for any one learner; 30 cents per hour; Lumber Inspector; September 3, 1942. (Effective May 14, 1942.)

H. H. Tammon Co., 2669 Larimer St., Denver, Colorado; Souvenirs & Novelties; 10 percent; 160 hours, Decorator, Assembler; 240 hours for any one learner, Cutter, Sewing Machine Operator; 30 cents per hour; Decorator, Assembler, Cutter, Sewing Machine Operator (on all products except shoes and moccasins and except for workers employed at home); September 28, 1942.

Signed at New York, N. Y., this 9th day of May 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-4217; Filed, May 11, 1942; 11:00 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-65]

INVESTIGATION OF UTAH PLANE ACCIDENT

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 18146, which occurred near Salt Lake City, Utah, on May 1, 1942.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Thursday, May 14, 1942, at 10:00 a.m. (M. W. T.) in the Post Office Building, Salt Lake City, Utah.

Dated at Washington, D. C., May 8, 1942.

[SEAL] R. B. BIAS,
Examiner.

[F. R. Doc. 42-4212; Filed, May 11, 1942; 10:17 a.m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4696]

IN THE MATTER OF JOHN F. ERDLEY, AN INDIVIDUAL, TRADING AS ERDLEY HATCHERIES, AND MONTGOMERY WARD AND COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of May, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 1, 1942, at ten o'clock in the forenoon of that day (central standard time) in the Sherman Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4193; Filed, May 9, 1942; 11:32 a. m.]

[Docket No. 4707]

IN THE MATTER OF PARKER-MCCRORY MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of May, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, June 2, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 246 Post Office Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4194; Filed, May 9, 1942; 11:32 a. m.]

[Docket No. 4721]

IN THE MATTER OF MILITARY ORDER OF THE PURPLE HEART, A CORPORATION, NATIONAL PROGRESS LEAGUE, A CORPORATION, FRANK J. MACKEY, AND HAROLD C. SHERMAN, INDIVIDUALLY AND AS OFFICERS OF NATIONAL PROGRESS LEAGUE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of May, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 25, 1942, at ten o'clock in the forenoon of that day (eastern standard time), in Room 217, Post Office Building, Lansing, Michigan.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4195; Filed, May 9, 1942; 11:32 a. m.]

[Docket No. 4729]

IN THE MATTER OF PHIL HOWE, AN INDIVIDUAL, TRADING AS HOWE AND COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of May, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, July 6, 1942, at ten o'clock in the forenoon of that day (pacific stand-

ard time) in Room 117, Federal Office Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4196; Filed, May 9, 1942; 11:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Docket No. 1004-2-P]

IN THE MATTER OF THE DAVID J. JOSEPH COMPANY, PROTESTANT

ORDER DISMISSING PROTEST

On April 11, 1942, The David J. Joseph Company, Carew Tower, Cincinnati, Ohio, filed a protest against Revised Price Schedule No. 4.[1] Said protest does not comply substantially with the requirements of Procedural Regulation No. 1[2] issued by the Office of Price Administration, in that the document filed is not a protest but a petition for an interpretation of the application of Revised Price Schedule No. 4 to the David J. Joseph Company's contract to sell scrap to the American Rolling Mill Company.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, it is hereby ordered that Protest No. 1004-2-P be, and it hereby is, dismissed.

Issued and effective this 8th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4170; Filed, May 8, 1942; 5:01 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF REPUBLIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of May 1942.

The Commission having examined various data in its official files relating to Republic Service Corporation and its subsidiaries; and

It appearing to the Commission on the basis of such examination that there are reasonable grounds for believing the following to be true:

I

1. Republic Service Corporation, (hereinafter referred to as "Republic") a registered holding company, is a corporation organized under the laws of the State of Delaware, and maintains principal offices for the doing of business in Wilmington, Delaware.

2. The following are subsidiary companies of Republic Service Corporation, and are electric utility companies within the meaning of the Public Utility Holding Company Act of 1935, (hereinafter sometimes referred to as the Act):

Name	State of organization	State of operation
Abington Electric Co.	Pennsylvania	Pennsylvania.
Brockway Light, Heat & Power Co.	Pennsylvania	Pennsylvania.
Fulton Electric Light, Heat & Power Co.	Pennsylvania	Pennsylvania.
Greencastle Light, Heat, Fuel & Power Co.	Pennsylvania	Pennsylvania.
Mauch Chunk Heat, Power & Electric Light Co.	Pennsylvania	Pennsylvania.
Mercersburg, Lehmasters & Markes Electric Co.	Pennsylvania	Pennsylvania.
Renovo Edison Light, Heat & Power Co.	Pennsylvania	Pennsylvania.
Holston River Power Co.	Virginia	Virginia.
Madison Power Co.	Virginia	Virginia.
Massanutten Power Corp.	Virginia	Virginia.
Page Power Co.	Virginia	Virginia.

3. The following are subsidiaries of Republic and are not public utility companies within the meaning of the Act, but are engaged in the businesses respectively set forth opposite their names:

Name	State of organization	State of operation	Nature of business
Renovo Heating Company	Pennsylvania	Pennsylvania	Steam heat.
Lehigh Ice Co.	Pennsylvania	Pennsylvania	Ice.
Susquehanna Ice Co.	Pennsylvania	Pennsylvania	Ice.
Massanutten Water Corp.	Virginia	Virginia	Water.

4. Republic Service Management Company is a subsidiary of Republic, organized under the laws of the State of Pennsylvania, and functions as a service company for the members of the Republic Service Corporation holding company system.

5. The holding company system of Republic is not confined in its operations to those of a single integrated public utility system within the meaning of the Act, and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system.

II

6. The consolidated capitalization, including surplus, of Republic, and its subsidiaries, as of December 31, 1940, per books, was as follows:

		Amount	Percent
First Lien Collateral Trust, 25-year 5% Series A Bonds, due June 1, 1951		$4,054,000	64.7
Minority interest in Capital Stock and surplus of subsidiary company:			
$6 Cumulative preferred stock, $25 par—61 shares	$1,525		
Common Stock—$25 par, 597 shares	14,925		
Surplus	9,133		
		25,583	0.4
Preferred Stock:			
$6 Cumulative, no par value, stated value $99, liquidating value $100, outstanding 17,531 shares		1,567,404	21.9
Common Stock and surplus:			
Common, no par value, stated value $0.83, outstanding 54,470 shares		355,463	5.0
Earned Surplus		587,889	8.0
Total		943,352	13.0
Total capitalization, including surplus		7,190,339	100.0

7. Dividends on the preferred stock of Republic Service Corporation have not been paid since February 1, 1933, with the exception of $0.75 per share paid on May 1, 1933. Arrearages on the preferred stock of Republic Service Corporation as of December 31, 1940, aggregated $804,330.75, or $45.75 per share.

8. The consolidated net property of Republic, as recorded on the books of its subsidiaries as of December 31, 1940, totalled $4,818,836. The consolidated utility plant account of Republic is stated at a figure which is $283,289 less than the original cost of the utility plant of the subsidiaries, as shown in a study made by the subsidiaries pursuant to orders of the appropriate State Commissions. The consolidated net property, taking gross property at said reported original cost, amounted to $5,102,125, as of December 31, 1940.

9. The funded debt of Republic amounts to 96.7% of the amount of the consolidated net property of the subsidiaries, per books.

10. The funded debt of Republic amounts to 91.2% of the amount of the consolidated net property of the subsidiaries, taking gross property at said reported original cost.

11. The total assets of Republic on a consolidated basis per balance sheet as at December 31, 1940, were $8,730,442, which included an excess of cost of investments in securities of subsidiaries over underlying book values at dates of acquisition of $1,899,502.67.

12. After eliminating the excess of cost of investments in securities of subsidiaries over underlying book values at dates of acquisition of $1,899,502.67, and increasing the book values in the sum of $283,289 to reflect the utility plant of the subsidiaries at said reported original cost, the assets of Republic, consolidated, less liabilities and reserves and minority interest, at December 31, 1940,

[1] F.R. 1207, 1836, 2132, 2155, 2507, 3087.
[2] 7 F.R. 971.

would have a book value of $5,548,602. The funded debt and preferred stock bear the following relation to the net assets so adjusted:

Security	Percentage of adjusted net assets
Funded debt	83.9%
Funded debt plus preferred stock at liquidating value, plus dividend arrears	130.0%

13. The gross and net income of Republic, per books, corporate and consolidated for each of the years 1936 to 1940, were as follows:

	Consolidated		Corporate	
Year	Gross income before fixed charges	Net income before dividends	Gross income before fixed charges	Net income before dividends
1936	$293,874	$32,767		
1937	339,272	70,791	$271,457	$(3,292)
1938	317,211	48,829	297,313	22,737
1939	292,712	22,500	287,407	14,104
1940	314,834	44,782	242,230	(30,297)

14. Since 1936, 17,581 shares of 6% cumulative preferred stock have been outstanding, the annual dividend requirements on which have been and presently are $105,486.

15. Unless and until preferred stock dividends are in arrears for four consecutive semi-annual periods, the entire voting control of Republic is vested in the common stock, each share of which is entitled to one vote.

16. As a result of dividend arrearages the preferred stock of Republic Service Corporation now has 24.4% of the voting rights, and the common stock has 75.6% of the voting rights.

It appearing to the Commission, in the light of the foregoing, that it is appropriate and in the public interest, and in the interest of investors and consumers, to institute proceedings against Republic and its subsidiaries, under section 11(b) (1) of the Public Utility Holding Company Act of 1935, and against Republic under section 11(b) (2) of the Act, to determine whether certain orders should be entered pursuant to the provisions of said sections:

It is hereby ordered, That Republic file with the Secretary of the Commission, on or before May 25, 1942, answers to the allegations of paragraphs (1) to (16) inclusive, hereof in the form prescribed by Rule U-25.

It is further ordered, That a hearing on such matters, under the applicable provision of said Act, and the rules of the Commission thereunder, be held on June 9, 1942, at 10:00 A. M., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935, and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That particular attention will be directed at said hearing to the following matters and questions:

1. Whether the allegations set forth in Paragraphs (1) to (16) are true and accurate.

2. What action is necessary to limit the operations of the holding company system of Republic Service Corporation to a single integrated public utility system, and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system.

3. Whether the corporate structure of Republic unduly or unnecessarily complicates the structure of the holding company system, and if so, whether it should be reduced to a single class of stock, such stock to be common stock.

4. Whether, for the purpose of fairly and equitably distributing voting power among security holders of Republic, pursuant to section 11 (b) (2) of the Act, it is necessary or appropriate that Republic revise and simplify its corporate structure, and take other steps to distribute the voting power fairly and equitably among its security holders.

5. What further action may be required by Republic and its subsidiaries in order to effect complete compliance with sections 11 (b) (1) and 11 (b) (2) of the Act.

It is further ordered, That notice of said hearing is hereby given to Republic, Abington Electric Company, Brockway Light, Heat & Power Company, Fulton Electric Light, Heat & Power Company, Greencastle Light, Heat, Fuel & Power Company, Mauch Chunk Heat, Power & Electric Light Company, Mercersburg, Lehmasters & Markes Electric Company, Renova Edison Light, Heat & Power Company, Holston River Power Company, Madison Power Company, Massanutten Power Corporation, Page Power Company, Renova Heating Company, Lehigh Ice Company, Susquehanna Ice Company, and Massanutten Water Corporation, to their security holders, and to all consumers of Republic and its subsidiaries, all states, municipalities and political subdivisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies are incorporated, all state commissions, state securities commissions, and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over Republic Service Corporation or over any of said companies, or over any of the businesses, affairs or operations of any of them; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Republic, Abington Electric Company, Brockway Light, Heat & Power Company, Fulton Electric Light, Heat & Power Company, Greencastle Light, Heat, Fuel & Power Company, Mauch Chunk Heat & Electric Light Company, Mercersburg, Lehmasters & Markes Electric Company, Renova Edison Light, Heat & Power Company, Holston River Power Company, Madison Power Company, Massanutten Power Corporation, Page Power Company, Renova Heating Company, Lehigh Ice Company, Susquehanna Ice Company, and Massanutten Water Corporation, the Pennsylvania Public Utility Commission and State Corporation Commission of Virginia, not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice shall be given to all persons by publication of this order in the FEDERAL REGISTER not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; and

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before June 2, 1942, his request for application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-4175; Filed, May 9, 1942; 10:32 a. m.]

[File No. 70-532]

IN THE MATTER OF GENERAL WATER GAS & ELECTRIC COMPANY, BOISE WATER CORPORATION, NATATORIUM COMPANY, AND KELLOGG POWER AND WATER COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of May 1942.

A declaration or application (or both) having been filed with this Commission by General Water Gas & Electric Company, Boise Water Corporation, Natatorium Company and Kellogg Power and Water Company, pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6, 7, 9, 10, and 12 of said Act and Rules U-42 and U-43 thereunder, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER or otherwise as provided by Rule U-23 under said Act; and the declaration or application concerning the following:

Boise Water Corporation (Boise), a subsidiary of General Water Gas & Electric Company (General), a registered holding company, proposes to exchange 1,650 shares of its common stock (par value $100) with General for the outstanding securities of Kellogg Power and Water Company (Kellogg), consisting of a $100,000 6% Demand Note and 65,000 shares of common stock (par value $1), whereupon Kellogg will become a subsid-

iary of Boise. Boise also proposes to issue and sell privately, to the Northwestern Mutual Life Insurance Company, $950,000 principal amount of Twenty-Year 3½% First Mortgage Bonds at a price of 101½. Such bonds are to be secured by an indenture constituting a first mortgage on the properties of Boise and of its subsidiaries, Kellogg and Natatorium Company.

The proceeds from the sale of the bonds are to be utilized by Boise as follows:

(a) The sum of $200,000 is to be used by Boise for improvements, extensions, additions and replacements of its physical properties.

(b) The sum of $750,000 is to be paid to General in reduction of the $1,000,000 present bonded indebtedness of Boise, the remaining $250,000 principal amount of such indebtedness is to be satisfied by the delivery to General of a 6% Promissory Note due 1963. General, in turn, proposes to apply the amount of $750,000 which it will receive in cash to the partial redemption of its outstanding First Lien and Collateral Trust Bonds due June 1943; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application and that said declaration shall not become effective or said application be granted except pursuant to the further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules and Regulations thereunder be held on May 29, 1942 at 10:00 o'clock in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration should be permitted to become effective or why such application shall be granted. Notice is hereby given of said hearing to the above-named applicants and to all interested persons, said notice to be given to said applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file notice to that effect with the Commission on or before May 25, 1942.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application otherwise to be considered in this proceeding, particular attention will be directed at said hearing to the following matters and questions:

(1) The extent of any terms or conditions that may be appropriate in the public interest or the interest of investors or consumers in connection with the issuance and sale of bonds by Boise;

(2) The reasonableness of the consideration to be paid for such bonds and the adaptability of the securities to the earning capacity of Boise;

(3) The extent of write-ups in the valuation of properties of Boise and the reasons therefor;

(4) The proposed use of cash funds to be obtained by Boise from the sale of bonds;

(5) The reasons for making Kellogg a subsidiary of Boise;

(6) The condition of the properties of Boise and Kellogg and the adequacy of maintenance and depreciation policies; and

(7) Whether (a) the fees or other remuneration to be paid, directly or indirectly, in connection with the proposed transactions are reasonable; and (b) the terms and conditions of the proposed transactions generally are detrimental to the public interest or to the interest of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-4183; Filed, May 9, 1942; 10:34 a. m.]

[File No. 70-433]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

ORDER SUPPLEMENTING PREVIOUS ORDER GRANTING AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 7th day of May, A. D. 1942.

This Commission having heretofore on April 20, 1942 issued an order in the above captioned proceedings granting an exemption from the provisions of sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 on the basis of section 6 (b) of said Act for the issuance and sale of $4,000,000 principal amount of First Mortgage Bonds, Series D, 3⅜% due 1971 by Public Service Company of Indiana, Inc.; said order further denying an application for exception from the provisions of Rule U-50 (which rule is concerned with the requirement that certain securities, including securities of the nature herein proposed to be issued and sold, must be offered for competitive bidding):

Public Service Company of Indiana, Inc. having on May 5, 1942 filed an amendment indicating that it now proposes to offer said securities for competitive bidding, indicating a desire that the 10 day period prescribed by paragraph (b) of Rule U-50 be shortened * * * "to such lesser number of days as may be necessary in order that said Series D Bonds may be sold by the Company on May 18, 1942 * * *"; and having further requested that the Comission impose an express provision concerning the new debt-retirement program, which was embraced in the provisions of the original filing and which by the terms of our previous order became binding upon applicant;

The Commission having considered said new amendment on the basis of the record hereinbefore developed, and finding said record adequate; and further finding it appropriate in the public interest and in the interest of investors and consumers that the action herein proposed to be taken, be taken;

It is ordered, That the requirement of paragraph (b) of Rule U-50, which provides, among other things, that an applicant * * * "at least 10 days prior to entering into any contract or agreement for the issuance or sale of the securities therein proposed, shall have publicly invited sealed written proposals for the purchase or underwriting of such securities * * *" be, and hereby is, modified to such shorter period as may be necessary that said Series D Bonds may be sold by the company on May 18, 1942 but in no event shall this period be less than 5 days; subject however to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

1. That Public Service Company of Indiana, Inc. report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

2. That unless this condition be hereafter modified by the Securities and Exchange Commission or by any successor commission or regulatory authority of the United States of America having jurisdiction in the premises (and then to the extent only that such condition be so modified), Public Service Company of Indiana, Inc. shall, during the period commencing January 1, 1945 and ending December 31, 1958, provide for the retirement (in the manner set forth below) of $3,430,000 aggregate principal amount of its long-term debt in addition to long-term debt in an aggregate principal amount equal to (i) the principal amount of long-term debt of Public Service Company of Indiana, Inc., outstanding at the time of the issue of the $4,000,000 principal amount of the Series D Bonds of Public Service Company of Indiana, Inc. to be initially issued and bearing maturity dates falling within said period and (ii) the principal amount of Series A, Series B, Series C, and the said initial issue of Series D Bonds of Public Service Company of Indiana, Inc. that Public Service Company of Indiana, Inc. is or will be obligated to retire through sinking fund payments. Within four months after the end of any given calendar year during said period Public Service Com-

pany of Indiana, Inc. shall have retired, pursuant to this term and condition, a cumulative amount of long-term debt as shown in the following table:

Calendar year:	*Cumulative amount of long-term debt to be retired*
1945	$250,000
1946	500,000
1947	750,000
1948	1,000,000
1949	1,250,000
1950	1,500,000
1951	1,850,000
1952	2,100,000
1953	2,350,000
1954	2,600,000
1955	2,850,000
1956	3,100,000
1957	3,350,000
1958	3,430,000

or Public Service Company of Indiana, Inc. shall deposit with the Trustee under its First Mortgage Indenture, funds sufficient to redeem bonds equal to the amount by which the aforesaid cumulative amount shown opposite such calendar year exceeds the amount of long-term debt retired hereunder up to and including such calendar year.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-4178; Filed, May 9, 1942; 10:32 a. m.]

[File No. 70-543]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY, AND GARY ELECTRIC AND GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of May, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northern Indiana Public Service Company and Gary Electric and Gas Company.

Notice is further given that any interested person may, not later than May 25, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of transactions therein proposed, which are summarized below:

Northern Indiana Public Service Company proposes to purchase from Gary Electric and Gas Company 328 shares of no par common stock of Northern Indiana Public Service Company for an aggregate amount of $2,675.66.

On February 10, 1942, Gary Electric and Gas Company declared a partial liquidating dividend for the distribution, in kind, of whole shares of no par common stock of Northern Indiana Public Service Company. After distribution of the whole shares there remain 328 shares of Northern Indiana Public Service Company common stock, which, if they were distributed, would result in each of the public stockholders receiving a fraction of a share. The 328 shares of common stock of Northern Indiana Public Service Company will therefore be purchased from Gary Electric and Gas Company by Northern Indiana Public Service Company and the cash proceeds in the amount of $2,675.66 will be distributed to and among the public stockholders in lieu of such fractional shares. The 328 shares of common stock of Northern Indiana Public Service Company will be retired.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-4179; Filed, May 9, 1942; 10:32 a. m.]

[File No. 4-44]

IN THE MATTER OF REPUBLIC SERVICE CORPORATION AND IRVING H. ISAAC

ORDER DISMISSING PETITION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of May, A. D. 1942.

A petition having been filed with the Commission by Irving H. Isaac, a stockholder of Republic Service Corporation, a registered holding company, requesting the issuance of an order by the Commission under section 11(b)(2) of the Public Utility Holding Company Act of 1935 requiring Republic Service Corporation to distribute voting power fairly and equitably among its security holders and/or requesting the issuance of an order by the Commission approving a plan submitted by petitioner for the reorganization of Republic Service Corporation under section 11(e) of said Act; briefs having been filed and oral argument heard pursuant to order of the Commission, after appropriate notice; and the Commission having this day issued its Opinion herein;

It is ordered, That the petition be, and it hereby is, dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-4180; Filed, May 9, 1942; 10:33 a. m.]

[File No. 1-1459]

IN THE MATTER OF TONOPAH BELMONT DEVELOPMENT COMPANY 10¢ PAR COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of May, A. D. 1942.

The Tonopah Belmont Development Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its 10¢ Par Common Stock from listing and registration on the Philadelphia Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, June 2, 1942, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-4176; Filed, May 9, 1942; 10:33 a. m.]

[File No. 1-2838]

IN THE MATTER OF LE ROI COMPANY $10 PAR COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of May, A. D. 1942.

The Le Roi Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $10 Par Common Stock from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Wednes-

day, June 10, 1942, at the office of the Securities and Exchange Commission, 105 W. Adams Street, Chicago, Illinois and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-4177; Filed, May 9, 1942; 10:33 a. m.]

[File No. 68-9]

IN THE MATTER OF RUSSELL VAN HORN AND DONALD M. STERN, AS A PROTECTIVE COMMITTEE FOR THE FIRST AND COLLATERAL 5% BONDS ISSUED BY YORK RAILWAYS COMPANY

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 8th day of May, A. D. 1942.

Russell Van Horn and Donald M. Stern having heretofore filed a declaration pursuant to Rule U-62, promulgated under the Public Utility Holding Company Act of 1935, for permission to solicit authorization from the holders of the First and Collateral 5% Bonds of York Railways Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company; said York Railways Company, at the present time, being the subject of reorganization proceedings under section 77B of the Bankruptcy Act, pending in the United States District Court for the Eastern District of Pennsylvania; and

Said declarants having by counsel for the proposed committee filed a written request for permission to withdraw said declaration so filed; and

The Commission having considered said request and finding the same proper to be granted;

It is ordered, That the request of Russell Van Horn and Donald M. Stern for withdrawal of the declaration filed by them in this proceeding be, and the same is hereby, granted, and said declaration be, and the same shall be deemed withdrawn upon the entry of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-4210; Filed, May 11, 1942; 9:53 a. m.]